policies of the administration which bring forth such strong approval of the Communist Party.

ALGER COMMENTS THIS WEEK ON PERTINENT ISSUES

Probably no administration in the history of the United States has had such a record of complete failure as the present one. Our domestic policies are in a shamble with law-defying mobs running rampant in cities across the land; people are being hurt and killed and all the President can suggest as a solution is to give in to the demands of those who are creating the disorder. Stultifying taxes and ever increasing Federal spending at the insistence of the President are fast drying up capital needed for new ventures and an expanding economy with the result that our economic growth is being strangled by an ever-expanding Federal bureaucracy. Abroad, U.S. prestige and power has never been as low. Our enemies are becoming bolder, more arrogant and are making more and more demands for surrender of the principles for which we have stood throughout our history. Communism is strengthening its hold on the Western Hemisphere, our allies seem to have lost all confidence in U.S. leadership and are openly contemptuous in demanding more money as a price of future alliances. The bright golden promises of the candidate of the New Frontier are now tarnished with the leaden burden of a President who has been unable to understand or cope with the problems which confront the Chief Executive of this Nation.

The great strength of the system of government adopted by our Founding Fathers was in the constitutional powers of three distinct branches of government, the executive, the legislative, and the judicial. There is a grave danger that Congress may become so ineffective through the delegation of its constitutional responsibilities, that the people may, indeed, determine it is not an essential part of our Government. If this day comes, Congress must bear the responsibility because we have failed to stop the erosion of our legislative powers by the President and the Supreme Court.

The President's efforts in the area of race relations are probably due the same failure he has achieved in all other areas of our national life with which he has tried to experiment. The failure will be for the same reason, his misunderstanding of human nature and his lack of knowledge of people. Our relationship with one another can never be directed by force, but rather through knowledge, understanding and conscience. The Negroes, who today are looking for President Kennedy to use the power of his office to enforce discrimination in their favor, may regret the day they deserted the steady march of progress through orderly processes based on reason in favor of a resort to violence and intimidation.

SENATE

TUESDAY, JULY 2, 1963

The Senate met at 12 o'clock meridian, and was called to order by Hon. MAURINE B. NEUBERGER, a Senator from the State of Oregon.

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

Lord of all being, throned afar, Thou who art the center and soul of every sphere, yet to each loving heart how near; nearer than the hands and feet that serve us, nearer than the problems that front us, nearer even than the comrades who walk beside us.

O Thou who art the author of liberty, as our grateful Nation comes once more to the birthday of its daring advent among the established governments of the world, may this latest natal day of the state find in the hearts of all true Americans a vow, registered in heaven, that no sacrifice will be avoided as too costly to defend and preserve our freedom as diabolical forces that have not Thee in awe plot their destruction.

For the triumph of the global crusade now raging, whose victory will mean that men everywhere will live in freedom, we set up our banners; and in this Thy glorious day, we lift our living Nation a single sword to Thee.

We ask it in the name of the One whose truth makes all men free. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 2, 1963.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. MAURINE B. NEUBERGER, a Senator from the State of Oregon, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mrs. NEUBERGER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MCCLELLAN, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 28, 1963, was dispensed with.

LIMITATION OF STATEMENTS DURING MORNING HOUR

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

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Florida Junior Chamber of Commerce, in convention at Las Vegas, Nev., favoring the enactment of legislation to establish the Freedom Commission and the Freedom Academy; to the Committee on Foreign Relations.

RESOLUTIONS OF LEGISLATURE OF THE STATE OF FLORIDA

Mr. HOLLAND. Madam President, I present, for appropriate reference and insertion in the RECORD, three memorials adopted by the Legislature of the State of Florida. They are:

House Memorial 2029, a memorial to the Congress of the United States to authorize the release of all unimproved U.S. lands in Wakulla County, Fla., for the use of the public for recreational purposes;

House Memorial 2030, a memorial to the Congress of the United States to release all U.S. lands on the banks of the St. Marks River for homesites and for industrial use; and

House Memorial 2031, to the Congress of the United States to authorize the release of U.S. land at Otter Lake, Wakulla County, Fla., for the creation of a State park.

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

HOUSE MEMORIAL 2029

Memorial to the Congress of the United States to authorize the release of all unimproved U.S. lands in Wakulla County, Fla., for the use of the public for recreational purposes

Resolved by the Legislature of the State of Florida, That the Congress of the United States be, and it is hereby, requested to authorize the release of all unimproved U.S. land in Wakulla County, Fla., for the use of the public for recreational purposes; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the U.S. Senate, to the Speaker of the House of Representatives of the United States, and to each member of the Florida congressional delegation.

Filed in office of secretary of state June 25, 1963.

HOUSE MEMORIAL 2030

Memorial to the Congress of the United States to release all U.S. lands on the banks of the St. Marks River for homesites and for industrial use

Whereas development of the St. Marks River as a navigable waterway creates a great need for homesites and industrial sites along the river, and

Whereas the major portion of all land on the banks of the St. Marks River is owned by the United States: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States be, and it is hereby, requested to release all U.S. lands on the banks of the St. Marks River for sale to the public for use as homesites and industrial sites; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the U.S. Senate, to the Speaker of the House of Representatives of the United States, and to each member of the Florida congressional delegation.

Filed in office of secretary of state June 25, 1963.

HOUSE MEMORIAL 2031

Memorial to the Congress of the United States to authorize the release of U.S. land at Otter Lake, Wakulla County, Fla., for the creation of a State park

Resolved by the Legislature of the State of Florida: That the Congress of the United States be and it is hereby requested to authorize the release of U.S. land at Otter Lake,

Wakulla County, Fla., to the State of Florida for the purpose of the creation of a State park; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the U.S. Senate, to the Speaker of the House of Representatives of the United States, and to each member of the Florida congressional delegation.

Filed in office of secretary of state June 25, 1963.

RESOLUTION OF COMMON COUNCIL OF CITY OF BUFFALO, N.Y.

Mr. JAVITS. Madam President, I ask unanimous consent to have printed in the RECORD a resolution of the Common Council of the City of Buffalo, N.Y., relating to civil rights.

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

No. 179

Re civil rights

Whereas it has been a long-established American tradition that all men are created free and equal; and

Whereas the great Presidents of the past, such as Washington, Jefferson, Lincoln, and the Roosevelts, have always advocated freedom and liberty for all citizens without discrimination; and

Whereas President Kennedy has proposed a civil rights legislative program to implement our present laws to guarantee greater protection of the civil rights granted to all citizens without regard to race, color, creed or national origin: Now, therefore, be it

Resolved, That the Common Council of the City of Buffalo this day memorialize the Congress and the Senate of the United States to enact civil rights legislation proposed by the President; and be it further

Resolved, That the city clerk forward a copy of this resolution to the Congressmen of the western New York area and the New York State senators.

Adopted.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S.J. Res. 64. Joint resolution to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property (Rept. No. 343).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 2461. An act to direct the Secretary of the Interior to convey to the city of Henderson, Nev., at fair market value, certain public lands in the State of Nevada (Rept. No. 344).

ACCEPTANCE OF INVITATION TO ATTEND NEXT GENERAL MEETING OF COMMONWEALTH ASSOCIATION TO BE HELD IN KUALA LUMPUR, MALAYA—REPORT OF A COMMITTEE (S. REPT. NO. 342)

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 168) accepting an invitation to attend the next general meeting of the Commonwealth Association to be held in Kuala Lumpur, Malaya, and submitted a report thereon; which resolution was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Presiding Officer of the Senate is authorized to appoint four Members of the Senate as a delegation to attend the next general meeting of the Commonwealth Parliamentary Association, to be held in Kuala Lumpur, Malaya, at the invitation of the Malayan branch of the association, and to designate the chairman of said delegation.

SEC. 2. The expenses of the delegation, including staff members designated by the chairman to assist said delegation, shall not exceed $10,000 and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

COLD WAR VETERANS READJUSTMENT ASSISTANCE ACT—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. 345)

Mr. YARBOROUGH. Madam President, from the Committee on Labor and Public Welfare, I report favorably, with amendments, the bill (S. 5) to provide readjustment assistance to veterans who serve in the Armed Forces during the induction period, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the minority views of Senators GOLDWATER, JAVITS, PROUTY, TOWER, and JORDAN of Idaho.

The ACTING PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Texas.

Mr. YARBOROUGH. Madam President, in submitting this report I would like to express my appreciation to the Subcommittee on Veterans' Affairs for the time and effort which it has spent in considering this bill. Senators BURDICK, KENNEDY, and JORDAN faithfully attended the hearings on S. 5, the cold war GI bill and no member of the subcommittee voted against it. I would like to thank the distinguished chairman of the Committee on Labor and Public Welfare, the Senator from Alabama [Mr. HILL], for his continued interest in veterans' affairs and to the committee for voting to favorably report this most important bill. As one of the sponsors of this bill, I am indebted to the 38 other cosponsors. I congratulate Senators BARTLETT, BAYH, BURDICK, CANNON, FONG, GRUENING, HART, HARTKE, HUMPHREY, INOUYE, KEFAUVER, LONG of Missouri, MCGOVERN, MORSE, MOSS, NEUBERGER, PELL, RANDOLPH, SPARKMAN, and WILLIAMS of New Jersey for their testimony before the Veterans' Affairs Subcommittee in favor of the cold war GI bill.

There is an old saying that the "third time's a charm," and I hope that this will be the case in this instance. Bills similar to S. 5 were favorably reported out of the Committee on Labor and Public Welfare in 1959 and 1961. The Senate passed S. 1138 in 1959, but it did not reach a vote in the House. In 1961, the cold war GI bill, S. 349, was again favorably reported by the Committee on Labor and Public Welfare, but was not reported in time to be considered by the Senate.

Forty-five percent of the eligible young men in this country see substantial military service, and each year approximately 500,000 cold war veterans return to civilian life. The vast majority of these veterans entered the Armed Forces without any higher education, or vocational training, and very few were provided with technical skills suitable for civilian life while in the Armed Forces. These men and women who have served their Nation during a time of international tension return to a situation of high unemployment where the unskilled person faces decreasing opportunities. The purpose of this bill is to provide readjustment assistance to these young cold war veterans in continuing their education and in obtaining vocational skills. The bill also contains provisions for direct and guaranteed home and farm loans. This bill is not a giveaway; not only will it provide the United States with hundreds of thousands of vitally needed men and women in the fields of education, science, and medicine, it will more than pay for itself in the increased taxes which these veterans will pay on their increased earnings. But if the Congress does not pass the cold war GI bill, this action or rather this lack of action will be a giveaway. We will be giving away the future of these patriotic young men; we will be giving away a part of the economic growth of this country which is dependent on ever-increasing supplies of skilled men; and we will be giving away the confidence which the American people and the veterans have that the Congress of the United States does not forget the devotion of her servicemen who have served in all four corners of the globe in whatever capacity the situation demanded.

Madam President, I urge the careful consideration of this bill by the Senate and its early passage.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated June 25, 1963, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

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

By Mr. JAVITS:

S.1822. A bill for the relief of Apostolos Gerontis and his wife Anastasia; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. KEATING, Mr. MORSE, Mr. SALTONSTALL, Mr. CASE, and Mr. SCOTT):

S. 1823. A bill to make certain changes in the Immigration and Nationality Act; to the Committee on the Judiciary.

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

By Mr. FULBRIGHT (by request):

S. 1824. A bill to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes; to the Committee on Foreign Relations.

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

By Mr. MAGNUSON (by request):

S. 1825. A bill to exempt vessels operated solely for religious missionary purposes from certain requirements with respect to licensed officers; and

S. 1826. A bill to amend the Federal Power Act with respect to foreign commerce in electric energy; to the Committee on Commerce.

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

By Mr. RANDOLPH:

S. 1827. A bill to amend paragraph 307 (c)(1) of title 23, United States Code, to provide for research and development in connection with highway planning; to the Committee on Public Works.

By Mr. YOUNG of Ohio:

S. 1828. A bill to amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof; to the Committee on the Judiciary.

By Mr. KEATING:

S. 1829. A bill for the relief of Alva Arlington Garnes; to the Committee on the Judiciary.

By Mr. CLARK:

S. 1830. A bill to amend the Federal Coal Mine Safety Act in order to remove the exemption with respect to certain mines employing no more than 14 individuals; to the Committee on Labor and Public Welfare.

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

By Mr. CLARK (for himself, Mr. MANSFIELD, Mr. RANDOLPH, Mr. PELL, Mr. JAVITS, Mr. PROUTY, and Mr. KENNEDY):

S. 1831. A bill to amend the Manpower Development and Training Act of 1962; to the Committee on Labor and Public Welfare.

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

By Mr. CLARK (for himself, Mr. WILLIAMS of New Jersey, Mr. CASE, and Mr. SCOTT):

S. 1832. A bill granting the consent of Congress to a further supplemental compact or agreement between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, formerly the Delaware River Joint Commission, and for other purposes; to the Committee on the Judiciary.

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

By Mr. McCLELLAN (by request):

S. 1833. A bill to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes; to the Committee on Government Operations.

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

By Mr. BYRD of West Virginia:

S. 1834. A bill for the relief of Dr. Arsenio M. Orteza; to the Committee on the Judiciary.

RESOLUTION

ACCEPTANCE OF INVITATION TO ATTEND NEXT GENERAL MEETING OF COMMONWEALTH ASSOCIATION IN KUALA LUMPUR, MALAYA

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 168) accepting an invitation to attend the next general meeting of the Commonwealth Association to be held in Kuala Lumpur, Malaya, which was referred to the Committee on Rules and Administration.

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

COMPREHENSIVE OVERHAUL OF IMMIGRATION POLICY

Mr. JAVITS. Madam President, on behalf of myself, my colleague [Mr. KEATING], the Senator from Oregon [Mr. MORSE], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from New Jersey [Mr. CASE], and the Senator from Pennsylvania [Mr. SCOTT], I introduce, for appropriate reference, a new bill to bring about a basic overhaul in our national immigration policy.

It seems to me that this is a very important piece of legislation. At a time when we are discussing civil rights for the people of the United States, there is also the problem of civil rights for the other peoples of the world; and I believe this bill represents an effort to provide civil rights in terms of American peace leadership for all the world.

The time has come to end the piecemeal approach to immigration reform. Our national immigration policy has produced an incredible epic of broken lives, divided families—case after case of anguish, despair, and frustration. During the campaign in 1960, the President made a pledge to give high priority to immigration reform. The President has shied away from this critical issue. As a Senator, he was an eloquent fighter for immigration reform; as President, he has been virtually unheard from.

It is particularly timely that we give our attention to immigration legislation now, when we are testing our own civil rights as Americans, for, in a real sense, immigration legislation represents civil rights legislation for the world. Also, we are in a critical stage in the struggle for an open world among the free nations; and an enlightened immigration policy by our country would be an enormous contribution toward that national policy objective.

Basic immigration reform has for the last 10 years been bedeviled by legislative handouts to deal with particular situations which most glaringly exposed the false direction of our immigration policy. These handouts have included measures dealing with the special problems of the Azores, sheepherders, freedom fighters from Hungary, and some effort to deal with the backlog of immigration which separated families. Desirable as were each of these items, in totality whey were used to block really fundamental immigration reform.

In the national interest, it is time to end this self-delusion and to forgo, if necessary, these individual items in order to fight for and to win an immigration policy of which the country can be proud, not ashamed.

The main features of the bill are as follows:

First. It provides for the determination of annual quotas on the basis of the 1960 census instead of the 1920 census as provided for by existing law. Redetermination of quotas would be required after every 10-year census in the future. A minimum annual quota of 200 is set for any quota area.

Second. It provides for the pooling of unused quotas and their allocation to those on waiting lists by Executive order of the President in the next fiscal year. Reallocations are subject to disapproval by a concurrent resolution of both Houses of Congress.

Third. It eliminates quota provisions which now discriminate against Asiatic and colonial peoples.

Fourth. It establishes a Board of Visa Appeals in the State Department to review questions involving the denial of visas and the application or meaning of State Department regulations applying to immigration.

Fifth. It establishes a statute of limitations whereby no alien may be deported by reason of conduct occurring more than 10 years prior to the institution of deportation proceedings.

Sixth. It affords judicial review of citizenship questions and of both exclusion and deportation orders rather than only of deportation orders.

Seventh. It eliminates a disadvantage of naturalized citizens, as compared with natural-born citizens, through loss of nationality because of residence abroad.

Eighth. It grants nonquota status to fourth preference immigrants, that is, brothers, sisters, sons, or daughters of citizens, whose petitions were approved by the Attorney General prior to January 1, 1963.

Madam President, with unhappy accuracy, our national immigration policy opens our national doors wide for many people who do not care to come in, but slams them in the faces of people who would cherish the opportunity to be U.S. citizens. Like most spite walls, it is as harassing to those within as to those without. It is so offensive to fair minded Americans, whom it is presumably designed to protect, that it has produced a flood of back-door finagling and occasional circumvention by Congress itself. Each week scores of families stream into congressional offices—including my own, in New York City—to appeal for help. Private immigration bills make up a major portion of our Federal legislation. And yet immigration reform today is largely a dormant issue.

The ACTING PRESIDENT pro tempore. Under the 3-minute limitation, the time available to the Senator from New York has expired.

Mr. JAVITS. Madam President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. JAVITS. Madam President, almost 200,000 people—relatives of American citizens who have come from Italy and from Greece, alone—are penalized today because of the backwardness of our immigration laws. Yet to this day we continue to be unable to do anything about them. Instead, we take special steps at times of national emergency, such as during the crisis in Hungary, at which time many refugees or escapees streamed from that country; and, of course, in such situations it is desirable that we take them in.

It has been a decade since our immigration wall was perpetuated by the Immigration and Nationality Act of 1952, better known as the McCarran-Walter Act. Time and experience have more than dramatized the fact that, as its opponents contended 11 years ago, it is perhaps as unique a law as we have on our statute books. But these 11 years have also produced an atmosphere of political helplessness to exasperate even the most determined immigration reformers, so that today most are resigned to the now annual practice of settling for piecemeal revisions or temporary relief rather than an effective overhaul of our entire policy of immigration. The back-door methods Congress has used to cover up deficiencies in the basic law is the greatest proof of the law's inadequacies. Since the McCarran-Walter Act was enacted, Congress has passed special, short-term immigration and refugee legislation which has had the cumulative effect of admitting into the United States more than twice as many persons as permitted under the basic McCarran-Walter Act.

But even this piecemeal legislation has represented no relief to the thousands of American families within countries with heavily mortgaged and oversubscribed immigration quotas. This tragic situation is the result of that section of the McCarran-Walter Act which is admittedly based on national and racial discrimination—the national origins quota system, which remains today as the core of our immigration policy, creating ill will abroad, furnishing a target for Communist propaganda, and making our effort to win over the uncommitted nations more difficult. It is based on the rejected racist assumption that people of one ethnic origin are superior, socially and culturally to those of another. It was designed and is administered not to admit as many immigrants as we can readily absorb, but to exclude as many as possible.

Throughout his congressional career, President Kennedy was a dedicated foe of the McCarran-Walter Act, called it in 1955 the "most blatant piece of discrimination" in history. During his 1960 campaign, he called for the abolition of the national origins quota system and pledged to give the Democratic platform promises on immigration reform "high priority." The President came into office, backed by a stirring Democratic platform plank on immigration, and with reasonable assurances of support for immigration reform from Republicans, who adopted an equally strong immigration plank. The President had every reason to press forward. But those who expected, at long last, fighting leadership in this field were disappointed—first, by President Kennedy's failure even to mention immigration in three state of the Union messages; second, by the failure to send an immigration message to Congress although the President has sent messages to Congress on almost every other major national issue; and third, by the failure to break new ground in the administration of the Immigration Service.

It is to be hoped that the President will begin to show the vigorous Presidential leadership required. At the same time, we in Congress have a responsibility to suggest the direction of immigration reform.

My bill is designed to eliminate the most glaring deficiencies in existing law and is the result of long and careful study by experts in the field. As originally introduced in the 87th Congress, as S. 551, the bill was thoroughly reviewed by the Committee on Federal Legislation of the association of the bar of the city of New York, a distinguished group of experienced attorneys who performed an extremely valuable public service by issuing a detailed report. The report described the bill as "most desirable" and recommended enactment.

The present bill takes into account various recommendations made by the committee as well as the developments in the law since that time. It also incorporates additional features so that, in its new form, it presents a complete proposal for immigration reform. I note that hearings on general immigration legislation which had been scheduled by the Senate Immigration Subcommittee for this week have now been postponed. I urge that they be rescheduled promptly and that this bill be included in the subcommittee's deliberations along with S. 747, introduced by Senator HART and of which I am a cosponsor, and with other measures on the same subject, since the present bill includes a number of features not incorporated in the other measures and in some instances provides a different approach to the problems sought to be resolved by all the bills.

The bill also includes liberalized provisions relating to refugees, displaced persons and escapees from various forms of tyranny, including the Castro tyranny.

We continue to this day to be unable to do anything should we be faced with a national emergency—as we were at the time of the Hungarian uprising—in which refugees and escapees may come streaming in from East Germany, from Hungary, or from some other place and it would be very desirable to take them. We would then face, as we did before, a new situation. Again we would have to improvise action.

Madam President, I ask unanimous consent that there be printed in the RECORD at this point an analysis of my bill and excerpts from the report of the Committee on Federal Legislation of the Association of the Bar of the City of New York on the predecessor bill, S. 551.

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

ANALYSIS OF BILL AMENDING IMMIGRATION AND NATIONALITY ACT (MCCARREN-WALTER ACT) PUBLIC LAW 414, 82D CONGRESS

SHORT TITLE: "IMMIGRATION AND NATIONALITY ACT AMENDMENTS OF 1963"

Section 2 amends sections 212(a)(15) and 241(a)(8) with respect to standards for determining whether aliens are or are likely to become public charges. Eliminates provisions which give controlling effect to the opinion of the consul or of immigration officials without adequate supporting evidence.

Section 3 amends subsections (27) and (29) of section 212(a) with respect to standards for determining whether immigrants would engage in subversion activities. The consul and immigration officials no longer would be vested with the authority, without restraint, to determine by their own mental processes the probability of future proscribed conduct.

Section 4 amends sections 287(a)(1) of Public Law 414 which provides for interrogation by employees of the Immigration and Naturalization Service without warrant of persons believed to be aliens as to their right to be or remain in this country. Strengthens the term "believed" by adding "with probable cause", thus preventing improper interrogation of citizens.

Section 5(a) repeals sections 352, 353, and 354 of Public Law 414, which provide for loss of nationality by naturalized citizens because of residence abroad. Repeals section 350 of Public Law 414 which provides for divestiture of nationality in the case of dual nationality of natural born Americans. Repeals section 355 of Public Law 414 which deals with loss of American nationality through the expatriation of a parent.

Section 5(b) amends section 101(a)(33) by repealing that portion of the definition of the term "residence" relating to continuous residence in respect to divestiture of nationality of dual nationals and loss of nationality by naturalized citizens.

Section 6 amends sections 101(a)(37), 212(a)(28)(D), 241(a)(6)(D) and 313(a)(3) of Public Law 414 by broadening restrictions contained in that act with respect to persons who have belonged to totalitarian organizations. Nazis and Fascists would, as a result, be barred from the United States without the necessity of proving, as Public Law 414 now requires, that they have advocated or belonged to organizations which advocated the establishment of a totalitarian dictatorship in the United States. This closes the loophole in Public Law 414 which now permits Nazis and Fascists to enter the United States and to become naturalized.

Section 7 amends section 244(a)(2) with respect to suspension of deportation of certain persons with not less than 10 years of continuous physical presence, by reducing the hardship requirement for permanent residence from "exceptional and extremely unusual hardship" to "extreme hardship."

Section 8 amends section 201(e) of Public Law 414 eliminating provisions requiring future mortgaging of quotas.

Section 9 repeals sections 202(a)(5) and 202(b) and amends sections 202(a) and 202(c) to eliminate quota provisions in present law which discriminate against Asiatic and

colonial peoples. The amendment will restore the law as it existed prior to Public Law 414, under which colonial peoples were included within the quota of their mother countries. Public Law 414 establishes a quota determined by race for Asiatic peoples regardless of the country in which they were born, while the quota for non-Asiatics is determined simply by place of birth. The amendment extends the latter provision to persons of an Asiatic race and thus removes the stigma of racial discrimination.

Section 10 by amending section 101(a)(6) of Public Law 414, restores preexamination (an administrative procedure adopted in 1935 which permitted an alien in the United States to become a permanent resident by obtaining his immigration visa in Canada instead of being required to make the long and expensive journey to his country of origin for that purpose).

Section 11 by amending section 212(a) (9) and (10) permits entry of an alien who has received a pardon for a crime.

Section 12 amends section 212(c) of Public Law 414 to restore the law as it existed and operated satisfactorily from 1917 to 1952. The result would be to give the Attorney General discretionary power to admit an alien who is returning to an unrelinquished American residence of at least 7 years with no requirement that the alien had originally been admitted to this country for permanent residence.

Section 13 repeals section 235(c) of Public Law 414 which permits exclusion without a hearing.

Section 14 repeals section 241(d) of Public Law 414, the retroactive provision which makes an alien deportable for conduct prior to December 24, 1952, even though that conduct was not a ground for deportation before Public Law 414 came into effect.

Section 15 establishes a statute of limitations whereby no alien may be deported by reason of conduct occurring more than 10 years prior to the institution of deportation proceedings.

Section 16 amends section 106 of Public Law 414 to afford judicial review of citizenship questions and of both exclusion and deportation orders rather than only deportation orders as was provided by H.R. 187 enacted in the 87th Congress.

Section 17 amends section 360(a) to provide for judicial review for a person claiming American citizenship who has been denied such right, even if he is subject to an exclusion order or is not within the United States. The section would have no effect on the existing right to habeas corpus for a person in custody.

Section 18 amends section 360(c) of Public Law 414 by broadening the provision for judicial review of final determinations by the Attorney General refusing entry to persons issued certificates of identity as claimants of American citizenship under section 360(b).

Section 19 establishes a Board of Visa Appeals in the Department of State to review questions involving the denial of visas and the application or meaning of State Department regulations applying to immigration.

Section 20 amends section 201(a), (b), and (c) so that the determination of annual quotas is based on the 1960 census rather than the 1920 census as provided by existing law. A redetermination of quotas would be required after every decennial census in the future. A minimum annual quota of 200 is set for any quota area. The amendment further provides for pooling of unused quotas and their allocation to those on waiting lists by Executive order of the President in successive fiscal years. Reallocations are subject to disapproval by concurrent resolution of both Houses of Congress. The quota for Chinese persons is repealed, thereby entitling persons of Chinese ancestry to apply under the quota of the country in which they were born instead of under the Chinese persons quota. Also, Chinese persons will now be counted in computing the quota for the country of China; at present, persons with more than one-half Chinese ancestry are not so counted because they are included in the Chinese persons quota.

Section 22 amends section 212(5)(d) of Public Law 414 by redefining the term "refugee escapee" and provides that the President may by proclamation order the Attorney General to parole into the United States refugee escapees, who may then apply for adjustment of their status to that of aliens lawfully admitted.

Section 23 grants temporary nonquota entrance into the United States to refugee escapees, their spouses and children, provided that such aliens are not ineligible to enter under any provisions of Public Law 414. It is further provided that the Treasurer of the United States is authorized to make grants up to $5 million for the resettlement of any "hard core refugees" as defined in section 212(b) of Public Law 414.

Section 24 amends section 245(c) of Public Law 414 to allow Cuban refugees to adjust parole status to permanent residence without leaving the United States as is required under section 245(c) of Public Law 414 for aliens from countries contiguous to the United States or from adjacent islands.

Certain Proposed Federal Legislation To Amend the Immigration Laws

This report discusses provisions of three bills pending in the Congress[1] to amend the Immigration and Nationality Act: S. 551, introduced by Senator Javits on January 23, 1961, for himself and Senators Keating, Morse, Saltonstall, Case, and Scott; H.R. 3038, introduced by Congressman Halpern on January 23, 1961; and H.R. 187, introduced by Congressman Walter on January 3, 1961. The bills were referred to the Committees on the Judiciary of the Senate and the House.

S. 551 and H.R. 3038 are companion bills[2] and propose to make changes in the existing law including, among others: (1) using unabridged census figures rather than only those of the white population of the continental United States in determining immigration quotas; (2) abolishing the special restrictions now superimposed upon the quota system against persons whose ancestry stems from the "Asiatic-Pacific triangle"; (3) basing immigration quotas on the 1960 census rather than on the 1920 census; (4) enabling the carryover of unused quotas from one year to another in porportions directed by the President; (5) permitting the quotas for a country to be used by immigrants from the country's colonial possessions; (6) placing a 10-year statute of limitations on deportation proceedings; (7) creating a Board of Visa Appeals; and (8) making provisions, generally in agreement with existing case law, for judicial review of certain administrative decisions in the immigration field.

This committee approves of these provisions of S. 551 and H.R. 3038, with certain reservations. We have suggestions for correcting what appear to us to be drafting errors in the proposed amendments to section 202(a)(5) and section 202(d) of the Immigration and Nationality Act. We also suggest that the bills should be amended to end the existing discrimination now superimposed on the quota system against persons of Chinese ancestry. With these suggestions we urge the Congress to adopt the provisions of S. 551 and H.R. 3038. Our discussion below will, for the sake of simplicity, refer only to S. 551, but is equally applicable to the similar provisions of H.R. 3038.

H.R. 187 provides a special procedure for the judicial review by the courts of appeals of orders of deportation, and places certain restrictions on judicial review of administrative orders concerning deportation and exclusion. We are informed that the Department of Justice favors the enactment of this bill.

This committee is sympathetic to the objective of H.R. 187, which is to prevent the abuse of the process of judicial review by certain undesirable aliens. We consider, however, that H.R. 187 goes too far. We think that original jurisdiction for judicial review of deportation orders belongs in the district courts. We also think that some of the provisions of H.R. 187 would serve unduly to limit access to the courts by deserving aliens.

As to a provision of H.R. 187 which would write the principle of res judicata into the law on judicial review, we agree that some provision of this sort would be desirable, but we believe that, in attempting to make that principle fully applicable to habeas corpus proceedings, H.R. 187 exceeds constitutional limits.

Introduction

This committee considers that the proposed revisions of the immigration laws deserve the most serious attention of the Congress. To the individual human beings directly affected by the restrictions imposed by immigration laws, the laws are vitally important. There are few governmental sanctions whose consequences are so serious in their effect upon human life, liberty, and pursuit of happiness as exclusion or deportation. The immigration laws are important, also in that they represent to the world the practical expression of American governmental philosophy. In justice to the individuals concerned, and to the good name of the United States among the nations of the world, the Congress should spare no effort to improve and perfect our immigration laws.

This committee approaches the problems raised by the proposed immigration law revisions conscious of the fact that legislation in this field must strike a balance between competing considerations.

On the one hand stands the ideal that the United States of America should represent to people all over the world a haven of liberty and opportunity.[3]

On the other hand stands the duty of the Nation to protect its own citizens, and to take account of the internal consequences of immigration. Mindful of that duty, Congress has created a complex system of statutory restrictions on immigration.

In revising and improving that system, Congress should, we believe, bear in mind that the national self-interest is best served when the restrictions are both sensible and fair in operation, and consistent with our heritage of respect for individual human integrity.

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[1] This report was approved by this committee on July 5, 1961. The subsequent history of the three bills has been that the companion bills, S. 551 and H.R. 3038, which bills this committee favored, have not emerged from the Committees on the Judiciary of the Senate and the House. The third bill, H.R. 187, which this committee criticized, was enacted into law as Public Law 87-301 on Sept. 26, 1961, 75 Stat. 651-53. See H. Rept. 565 (1961).

[2] H.R. 3038, in titles I, II, III, and IV thereof parallels S. 551, but also contains a title V, which S. 551 does not, relating to the issuance of special nonquota immigrant visas to refugees. Those provisions of H.R. 3038 and certain other provisions of S. 3038 and S. 551 of more specialized application than the provisions enumerated above in the text will not be discussed in this report.

[3] See "The New Colossus," inscription by Emma Lazarus for the Statue of Liberty, New York Harbor.

Provisions of S. 511 relating to quotas

Under the Immigration and Nationality Act, adopted in 1952 (which we will sometimes call "the 1952 act"), the number of persons allowed to enter the United States from any quota area during any 1 year is generally limited to one-sixth of 1 percent of the population of the continental United States in 1920 attributable by national origin to that quota area.[4] Each quota area, however, is given a quota of at least 100 persons; 8 U.S.C. 1151(a); sec. 201(a) of the 1952 act.

To apportion the total quota, the 1952 act divided the inhabited areas of the world outside the United States into quota areas, generally along the lines of national boundaries and made the determination of the respective quotas of the various quota areas the joint responsibility of the Secretary of State, the Secretary of Commerce, and the Attorney General; 8 U.S.C. 1151(b), 1152; secs. 201(b) and 202 of the 1952 act.

The current quotas of more than 100 determined under the 1952 act by those Cabinet officers and proclaimed by the President, are as follows:[5]

Great Britain and Northern Ireland	65,361
Germany	25,814
Ireland (Eire)	17,756
Poland	6,488
Italy	5,666
Sweden	3,295
Netherlands	3,136
France	3,069
Czechoslovakia	2,859
U.S.S.R.	2,697
Norway	2,364
Switzerland	1,698
Austria	1,405
Belgium	1,297
Denmark	1,175
Yugoslavia	942
Hungary	865
Finland	566
Portugal	438
Lithuania	384
Greece	368
Rumania	289
Spain	250
Latvia	235
Turkey	225
Japan	185
Estonia	115
Chinese persons	105

Minimum annual quotas of 100 are in effect for the following quota areas:

Afghanistan, Albania, Andora, Arabian Peninsula, Asia-Pacific, Australia, Bhutan, Bulgaria, Burma, Cambodia, Cameroons (trust territory, United Kingdom), Cameroon, Central African Republic, Ceylon, Chad, China, Congo, Republic of the Congo, Cyprus, Dahomey, Danzig (Free City of), Ethiopia, Gabon, Ghana, Guinea, Iceland, India, Indonesia, Iran (Persia), Iraq, Israel, Ivory Coast, Jordan, Korea, Laos, Lebanon, Liberia, Libya, Liechtenstein, Luxembourg, Malagasy Republic, Malaya (Federation of), Monaco, Morocco, Muscat (Oman), Nauru (trust territory, Australia), Nepal, New Guinea (trust territory, Australia), New Zealand, Niger, Pacific Islands (trust territory, United States administered), Pakistan, Palestine (Arab Palestine), Philippines, Ruanda-Urundi (trust territory, Belgium), Western Samoa (trust territory, New Zealand), San Marino, Saudi Arabia, Somali Republic, South West Africa (mandate), Sudan, Tanganyika (trust territory, United Kingdom), Thailand (Siam), Togo, Tunisia, Union of South Africa, United Arab Republic, Upper Volta, Vietnam, Yemen.

The total of all of the quotas is 154,887.

The system of quota allocation upon the basis of national origins has long been the subject of debate. Critics of the system have asserted that its objective was to favor the Nordic races of northern and western Europe over the races of southern and eastern Europe and elsewhere. To its critics, the national origins system is "a discriminatory program of restriction * * * rooted in dubious biological and anthropological assumptions." Kingsley, "Immigration and Our Foreign Policy Objectives, 21 Law and Contemporary Problems," 299, 301, 310 (1956). On the other hand, defenders of the system say that it is not intended to discriminate on the basis of notions of racial superiority, but simply to provide a fair pragmatic method of allocating quotas. They say: "The national-origins quota system is like a mirror held up before the American people. As our various foreign origins are determined upon a basis of nationality and reflected in the mirror, the quotas of the countries of our origin are proportioned. The basic policy of the system is to grant to each group its fair share—no more and no less—of the permissible volume of annual quota immigration. Any other distribution of the quotas would, indeed, be discriminatory." Alexander, "A Defense of the McCarran-Walter Act," 21 Law and Contemporary Problems, 382, 385 (1956).

In the course of the debate, there have been a number of proposals to abandon the national origins system altogether.[6] Indeed, bills to that effect and to substitute a system of quota allocations based upon other considerations, such as family ties, occupational skills, refugee status, and national interest have been introduced in the current session of Congress.[7]

We have not undertaken in this report to comment upon those proposals because we understand that they do not have sufficient legislative support to stand a chance of enactment at this time.

S. 551, which we do consider, does not abandon the national origins system altogether, but does modify it in a number of important respects. We consider all of these changes to the quota system highly desirable, and urge the Congress to adopt them. Our reasons for doing so, and certain additional suggestions, are developed below.

Under existing law, the general criterion for quota allocations is national origin—meaning the place of birth—and is not race. Depending upon the number of persons in the United States whose forebears came from France, for example, a quota is established for immigrants from France, and a person born in France may come in under that quota, without regard to his racial extraction, 8 U.S.C. 1152(a); section 202(a) of the 1952 act. See Gordon and Rosenfield, "Immigration Law and Procedure" (1959 ed.), section 2.27.

Additional provisions, however, have been superimposed upon the basic national origins system which operate to set up patterns of discrimination against persons of certain races—particularly against Negroes, Chinese, and oriental races indigenous to the "Asiatic-Pacific triangle."

Whatever may be the differences of opinion as to the merits of the basic national origins system, we believe there should be wide agreement that the discrimination solely upon racial grounds is alien to our American heritage and ideals and should be eliminated from the law.

The racial discrimination of the present law take several different forms. The first form we consider is that directed against Negroes.

Provision of S. 551 for using unabridged census rather than only the white population of the continental United States

Section 201(a) of the 1952 act provides: "The annual quota for any quota area shall be one-sixth of 1 percent of the number of inhabitants in the continental United States in 1920, which number, except for the purpose of computing quotas for quota areas within the Asia-Pacific Triangle, shall be the same number heretofore, determined under the provisions of section 11 of the Immigration Act of 1924, attributable by national origin to such quota area; *Provided*, That the quota existing for Chinese persons prior to the date of enactment of this act shall be continued, and, except as otherwise provided in section 202(e), the minimum quota for any quota area shall be 100," 8 U.S.C. 1151(a).

By this section, Negroes are discriminated against in the establishment of quotas. This is accomplished by excluding Negroes from the population count used in the computation of quotas. The result is to distort the national origins system so as to prevent the quotas of African nations from reflecting the true number of America's inhabitants attributable by national origin to those nations.

This discrimination is not readily apparent on the face of the present law, but is buried in its provision that for general purposes in the computation of quotas the number of inhabitants of the continental United States "shall be the same number heretofore determined under the provisions of section 11 of the Immigration Act of 1924." The Immigration Act of 1924, in section 11(d) thereof, provided that in computing quotas the term "inhabitants in continental United States in 1920" did not include: (1) immigrants from independent countries of the Western Hemisphere and their descendants; (2) aliens ineligible for citizenship (which referred to orientals) and their descendants; (3) the descendants of slave immigrants; and (4) the descendants of American aborigines; 42 Stat. 153, 159–60.

Items 1, 2, and 4 have little, if any, current significance upon quotas; item 1 because independent countries of this hemisphere are outside the quota system anyway; item 2 because the 1952 act does not follow the 1924 act's computations in fixing quotas within the Asiatic-Pacific triangle (the provisions of the existing law as to the Asiatic-Pacific triangle are discussed below); and item 4 because by definition American aborigines would not be attributable to any foreign country.

Item 3, however, has a practical significance, because it means that the Negro population is excluded for purposes of determining quotas.

We can see no justification whatsoever for such discrimination. Since Congress has chosen to base immigration quotas upon the system of national origins, we can see no reason not to follow that system in the case of Negroes.

It is a poor mirror indeed which fails to reflect that America has a sizable Negro population. The fact that their ancestors may have come here involuntarily, in the steaming holds of slave ships, is totally irrelevant to the matter of reflecting in current immigration quotas the national origins of our population.

We accordingly endorse the provision of S. 551 which makes no racial discrimination against Negroes in its proposal that section 201(a) be amended to read as follows:

"SEC. 201. (a) The annual quota of any quota area shall be one-sixth of 1 per centum of the number of inhabitants in the United States in 1960 attributable by national origin to such quota area: *Provided*, That the quota existing for Chinese persons prior to June 27, 1952, shall be continued and the minimum quota for any quota area shall be one hundred."

[4] Immigrants born in an independent country of the Western Hemisphere, however, were not made subject to quota limitations; 8 U.S.C. 1101(a)(27)(C); sec. 101(a)(27)(C) of the 1952 act.

[5] President's Proclamation No. 3298, June 9, 1959, 24 F.R. 4679, as amended by President's Proclamation 3372, Sept. 28, 1969, 25 F.R. 9283, see 8 U.S.C.A. 1151, pocket part.

[6] E.G., S. 1206 introduced in the 84th Cong., 1st sess., by Senator Lehman.

[7] E.G., H.R. 6555; H.R. 607.

Provision of S. 551 for using census of entire United States rather than continental United States

We also consider that S. 551 makes a desirable change in basing quotas upon the population of the entire United States rather than upon that of the continental United States. The quotas which are established are applicable for entry into the United States, including Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands, as well as the continental United States (8 U.S.C. 1101(a)(38); sec. 101(a)(38) of the 1952 act.) Because the United States is virtually one indivisible nation in this sense, we think there is no sound basis for excluding our offshore population in determining quotas, particularly since the admission to statehood of Alaska and Hawaii.

Here again, we consider that, if Congress wishes to follow the national origins system in determining quotas for immigration to the United States, it should stick to the logic of making the quotas a mirror of the Nation's population. A true image of the Nation should reflect the whole population of the Nation, and not just the continental part of it.

Provision of S. 551 to abolish special discrimination against persons whose racial extraction is from the "Asiatic-Pacific triangle"

The technique whereby the 1952 act accomplishes a special discrimination against a variety of Oriental races begins with the creation of the "Asiatic-Pacific triangle," a geographical area set up specifically for purposes of the act, 8 U.S.C. 1152. The "Asiatic-Pacific triangle" comprises all quota areas situated wholly within an arbitrarily delineated triangle bounded by the meridian 60° east and 165° west longitude and by the parallel 25° south latitude—roughly embracing all Asiatic countries from India to Japan and all Pacific islands north of Australia and New Zealand, including (to name the more important ones in addition to India and Japan), China, Burma, Indonesia, Korea, Laos, Pakistan, Philippines, Thailand, and Vietnam.[8]

At the present time there are 19 separate quota areas within the Asiatic-Pacific triangle, each entitled to a quota of 100 pursuant to section 201(a) of the act, 8 U.S.C. 1121(a). In addition, the 1952 act establishes an Asiatic-Pacific triangle quota of 100 for the entire triangle area. Section 202(b)(1) of the 1952 act; 8 U.S.C. 1152(b)(1).

Specific rules in section 202(b)(2)–(6) of the 1952 act determine to which quota an alien born in, or of ancestry traceable to, a quota area within the Asiatic-Pacific triangle is to be charged. Briefly, such rules provide that:

(1) The following persons are chargeable to the Asiatic-Pacific quota of 100: (a) an immigrant born within, or born outside the triangle who is attributable by as much as one-half his ancestry to a people or peoples indigenous to, one or more colonies or dependent areas wholly within the triangle (8 U.S.C. 1152(b)(3) and (5)); and (b) an immigrant born outside the triangle who is attributable by as much as one-half his ancestry to a people or peoples of two or more separate quota areas, or to a quota area and one or more colonies and other dependent areas, situated wholly within the triangle (8 U.S.C. 1152(b)(6)); and

(2) The following persons are chargeable to a particular one of the 19 separate quota areas above referred to: an immigrant born within, or born outside the triangle who is attributable by as much as one-half his ancestry to a people or peoples indigenous to, such particular separate quota area. (8 U.S.C. 1152(b)(2) and (4).)

[8] Generally as to the Asiatic-Pacific triangle provisions see Gordon and Rosenfield, §§ 2.26 (c), 2.27(f).

The few examples given below (others are cited in the commentary in the first volume of 8 U.S.C.A. at pp. 23–24) may serve to illustrate practical applications of the above rules:

1. A Japanese born in the Portuguese colony of Macao is chargeable to the Asiatic-Pacific quota and not to the quota for Portugal nor to the quota for Japan. (8 U.S.C. 1152(b)(3).)

2. A native of Canada born of a Japanese mother and a Canadian father is not a nonquota immigrant (see 8 U.S.C. 1101(27)), although he is a native of an independent country located in the Western Hemisphere. He is chargeable to the quota for Japan. (8 U.S.C. 1152(b)(4).)

3. An immigrant born in Germany of a Malayan father and a German mother, is chargeable to the "Asiatic-Pacific quota." (8 U.S.C. 1152(b)(5).)

4. An immigrant, born in Mexico of a Japanese father and a Korean mother, is chargeable to the "Asiatic-Pacific quota." (8 U.S.C. 1152(b)(6).)

The 1952 act also discriminates against quota areas in the Asiatic-Pacific triangle in the matter of revising quotas. A previously determined quota (8 U.S.C. 1151) is subject to revision by the Secretaries of State and Commerce and the Attorney General whenever necessary as a result of foreign political changes involving transfer of territory from one sovereignty to another 8 U.S.C. 1152(e). Such revisions are based, with respect to all quota areas except those within the Asiatic-Pacific triangle, on the formula of one-sixth of 1 percent of the number of inhabitants in the continental United States in 1920 attributable by national origin to such quota area 8 U.S.C. 1151(a). In the case of Asiatic-Pacific triangle quota areas, however, a virtual ceiling of 2,000 immigrants is imposed on the sum total of all quota numbers available for such quota areas.[9] As explained by Besterman: "Should the number of quota areas within the Asia-Pacific triangle exceed 20 (through the creation of new independent countries or other political entities defined in section 1152(a) and entitled to a standard minimum quota of 100), the minimum quotas for the areas located in the triangle would be subject to proportionate decrease so that the sum total of all minimum quotas for such areas does not exceed 2,000 at any time. The only oriental minimum quota which would escape this automatic decrease is the Asia-Pacific quota, fixed permanently, under section 1152(b)(1), so as to remain at 100."

In defense of the Asiatic-Pacific triangle provisions of the 1952 act, it is urged that such provisions actually liberalized prior law which had, since the Immigration Act of 1917 (39 Stat. 874), constituted an area, roughly approximating the Asiatic-Pacific triangle, as the Asiatic barred zone from which no immigration at all was permitted (except for China, for which a quota of 105 was established in 1944 (58 Stat. 1125)).[10]

It is also urged that "if the thousands of people of Asian ancestry born in the quota countries of Europe were given access to such quotas, and if the 600,000 people of Asian ancestry born in the nonquota countries of the Western Hemisphere were granted the privilege of immigrating into the United States without numerical limitation, too drastic a change could result in the ethnic composition of the population of the United States, because the peoples of Asia would be deriving immigration privileges not only in great disproportion to their largest possible reflection in the national-origins mirror, but in even greater disproportion to the privileges granted any other of our foreign national-origins group." [11]

The committee finds these arguments unconvincing. In the case of other peoples of the world, our national origins mirror is supposed to reflect exactly what its name indicates—country of origin, and not race. We think it is indefensible to impose a discriminatory ancestry test on persons containing half, or more, oriental blood.

The consequences of employing such racial criteria in Federal legislation affecting people abroad have been pointed out as follows: [12] "All of this might be a matter only for our own consciences were it not for the palpable fact that provisions like the ancestry test for orientals and the barriers against the colonial peoples of the Western Hemisphere play squarely into the hands of our adversaries in the great struggle now going on to establish a new balance of power in the world. Through our immigration policies, we have managed to rub salt into the deepest wounds of two-thirds of the people of the world. Moreover, as we do not tire of pointing out to the Russians, deeds speak louder than words. It is difficult for the Voice of America to explain away what we are doing in these fields. At the moment, when we are calling for a united free world opposed to communism, our immigration policies are based on invidious distinctions among countries and nationalities, including the very countries we wish to ally with us."

The committee believes that, in its own self-interest, the United States should insure that its immigration laws do not convey to the world a false image of American governmental philosophy. The Declaration of Independence is a part of our heritage. We should not ignore it in framing our immigration laws.

Accordingly, the committee approves sections 108(b) and (c) and 301 of S. 551 which eliminate the special "Asiatic-Pacific triangle" provisions of existing law by deleting section 202(a)(5), (b) and (c) (8 U.S.C. 1152(a)(5), (b) and (c) and appropriately amending sections 201(a) and 202(e) of the 1952 act. (8 U.S.C. 1151(a) and 1152(e).)

Section 108 of S. 551, perhaps inadvertently, also repeals section 202(d) (8 U.S.C. 1151(d)) which states: "The provision of an immigration quota for a quota area shall not constitute recognition by the United States of the political transfer of territory from one country to another, or recognition of a government not recognized by the United States."

The committee recommends amendment of the bill to eliminate such repeal.

Special discrimination of both the 1952 act and S. 551 against Chinese persons

Upon the repeal of the Chinese exclusion laws in 1943, Congress established a special racial quota of 105 for Chinese persons, wherever they may be born. Act of December 17, 1943, 57 Stat. 600. In addition a quota of 100 was allotted for non-Chinese who were born in China. This quota arrangement was continued by the 1952 act (8 U.S.C. 1151(a); sec. 201(a) of 1952 act, quoted above).

A Chinese person is defined as an alien who is as much as one-half Chinese blood (sec. 5(b), act of July 2, 1946, 60 Stat. 416; 22 C.F.R. 42.15 (b)). Thus, an adult Canadian born in Canada of a Canadian father and a Chinese mother, cannot enter the United States except under the special Chinese quota.

[9] Besterman, "Commentary on the Immigration and Nationality Act," 8 U.S.C.A., p. 1, at 21; 8 U.S.C. 1152(e).

[10] Alexander, "A Defense of the McCarran-Walter Act," 21 Law and Contemporary Problems, 393–394 (1956).

[11] Alexander, 21 Law and Contemporary Problems at p. 394.

[12] Kingsley, "Immigration and Our Foreign Policy Objectives," 21 Law and Contemporary Problems 299, 306 (1956).

S. 551 would not change the law in this respect, and would provide in section 201 (a): "That the quota existing for Chinese persons prior to June 27, 1952, shall be continued."

For the reasons already stated, the committee disapproves of the provisions of the existing law with superimpose racial discriminations upon the national origins system. We accordingly disapprove of the language of S. 551 which would operate to continue that discrimination against Chinese persons, and we recommend that that discrimination be removed. That result can be accomplished simply by striking from S. 551 the proviso quoted above so that persons of Chinese racial extraction would then be treated no differently than anyone else.

The 1960 rather than the 1920 census

In 1920 the population of the continental United States was 105,710,620 ("Statistical Abstract of the United States," 1960, at p. 5). In 1960 the total population of the United States, including Alaska and Hawaii, had grown to 179,323,175. Bureau of Census, 1960 Census of Population, Advance Reports, PC(A1)-1.

The proposal of S. 551 to use 1960 census figures rather than 1920 figures would of course have two effects: (1) to increase the annual quotas in proportion to the increase in the population, and (2) to make the quotas reflect the current pattern of the national origins of Americans rather than the pattern of over 40 years ago.

As to the first of these effects, it seems to us altogether reasonable that in our expanding national economy, the optimum number of immigrants will increase roughly in proportion to the increase in our population. The figure of one-sixth of 1 percent of current national population attributable by national origin to quota areas would produce a total annual quota of about 260,000, which does not seem to us unduly large. We express this view as citizens and not as experts, for we do not pretend to expertise concerning the optimum number of immigrants to admit annually.

The second effect of the quota change—to make quotas reflect the current pattern of national origins rather than one 40 years old—we submit is an essential change if the justification of the national origins system is to have current validity.

A continuing failure by Congress to make the national origins system reflect our current population, will inevitably undermine that system, for it destroys its only defensible support, which is that it is fair to allocate quotas among countries in the same proportions as the countries are reflected in our population.

If quotas are to be determined by holding a mirror up to the Nation, surely that is not accomplished by using instead of a mirror, a portrait 40 years old.

Provisions of S. 551 enabling the carryover of unused quotas

The existing law authorizes total annual quotas of about 154,000. In 1960 only about 101,000 quota immigrants were admitted. Experience over the years has shown that about a third of the quota regularly goes unfilled. See 1960 Annual Report of the Immigration and Naturalization Service, page 23.

This situation is largely accounted for by the fact that Great Britain and Ireland are allotted many more quota spaces than the number of persons who desire to become U.S. immigrants. For example, in 1960, of the annual quota of 65,361 for Great Britain and Northern Ireland, only 27,034 places were filled, and of the annual quota of 17,756 for Ireland (Eire), only 7,479 places were filled.

On the other hand, in a number of countries the demand for the opportunity to come to the United States regularly exceeds the limited supply of quota places, and hopelessly long waiting lists confront would-be Americans. See Magnuson, "Columbus Couldn't Get a Visa," New York Times Sunday magazine, April 16, 1961, page 24.

No carryover of unused quotas is permitted under existing law.

It has been said in support of the existing law that:

"If the overflow of immigrants from oversubscribed quotas were permitted to utilize the unfilled portions of undersubscribed quotas, this would not bring the national origins system into proportionate balance, but on the contrary, would further unbalance it." Alexander, "A Defense of the McCarran-Walter Act," 21 Law and Contemporary Problems 382, 386 (1956).

In the judgment of this committee, that argument against permitting a carryover is not persuasive.

The national origins system—while it may be a satisfactory empirical method of arriving at quota figures—does not stem from any sharply defined and delicately balanced pattern of national groups in the American population, but rather upon a rough approximation of where the ancestors of Americans came from.

The basic calculations of the national origins of the 1920 population of the continental United States, which are still in effect, were made in 1928, pursuant to the Immigration Act of 1924. The 1924 act explicitly provides: "Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial U.S. censuses, and such other data as may be found to be reliable." Section 11(c) of the 1924 act; 42 Stat. 1953.

The method employed in making the national origins calculations pursuant to that act was explained in a joint memorandum of the Secretaries of State, Commerce, and Labor dated February 25, 1928. (S. Doc. 65, 70th Cong., 1st sess.) In essence, the method employed in making the calculations was as follows:

The population of the United States in 1790 was classified by national origin simply upon the basis of their surnames. Then immigration and census records for the period 1820 to 1920 were used to furnish the numbers of persons coming from each foreign country during those years. (Records from 1790 to 1820 were unavailable.) Then 1920 census statistics were used to supply the numbers of persons in the population who were either immigrants or the children of immigrants, and the countries of their national origin.

Other persons included in the 1920 census were allocated among countries of origin upon the basis of projections of the 1790 population and the immigration thereafter, which projections were based in part upon assumed rates of natural increase. (S. Doc. 65, 70th Cong., 1st sess.)

In other words, if persons of one national origin multiplied faster than persons of another national origin, the calculations made under the 1924 act would not reflect it.

It is apparent from the nature of the problems of classifying the population by national origins and from the methods necessary to do so, that the result could be only a rough approximation. This is not said to criticize the scholars who made the calculations, for they displayed great skill and ingenuity in attempting to solve the problems presented by the legislation, but rather to place in perspective the proper function to be served by the completed calculations.

America today has a population which is the product of the greatest melting pot in history. As the scholars who made the national origins calculations under the 1924 act wrote: "On account of the intermixture of the various national stocks resulting from intermarriage, it is obviously impossible to divide the population of the United States into distinct classes, such that each class shall consist exclusively of persons who were all born in the same county" (S. Doc. 65, 70th Cong., 1st sess.).

In this committee's opinion, the necessarily rough approximation of the national origins derivations of our present population, and the fact that those groups have by now been so blended by intermarriage as to be indistinguishable, indicate that it does not make sense to let quotas go unfilled merely because there is insufficient demand for them in the country to which they are first assigned. To do so is to elevate the national origins system, which is no more than an empirical method of allocating the total quota among various countries, to the level of demographic theory, unwarranted by the source material.

It seems to us that once Congress determines the optimum annual number of quota immigrants, it is in the national interest to fill that quota with desirable human beings. So long as, by the determination of our legislators, the Nation has room for and can profitably use a certain number of immigrants, it makes good sense to let good ones come in despite the fact that they might be Italians rather than Englishmen.

The committee accordingly endorses the provisions of S. 551 enabling the carryover of unused quotas by adding the following language to section 201(a) of the act: "The unused portion of all quotas shall be made available in the next succeeding fiscal year, in such proportions as the President may by Executive order direct, to immigrants who are specified in section 203(a) of this act, who are on waiting lists of valid applications for visas. The President shall report to the Congress the distribution of unused quotas provided for by such Executive order, and they shall become effective 30 days following the submission of such report, unless within such period the Senate and the House of Representatives shall have passed a concurrent resolution stating in substance that they do not favor the distribution provided for in such Executive order, in which event no quotas shall be made available pursuant to such Executive order."

It seems to the committee that the provision for Congress to review the President's proposed distribution of unused quotas affords ample protection against any abuse of Presidential power in this connection.

Provisions of S. 551 concerning mortgaging of quotas by reason of admission of refugees

The 1952 act in section 201(e), 8 U.S.C. 1151(e), carried forward the provisions of prior law which required that persons admitted under the Displaced Persons Act of 1948, as amended (50 U.S.C.A. secs. 1951–1965), providing for admission of 400,000 persons displaced by war or revolution, and under certain other acts, be charged against the annual quotas of the countries of origin of such persons for succeeding years, with the result that the annual quotas of many such countries were mortgaged by 50 percent far into the future.

Acting upon the recommendation of President Eisenhower in his special messages to Congress recommending changes in the immigration laws, Congress by Public Law 85–316, September 11, 1957, section 10 (71 Stat. 642) terminated such deductions under the Displaced Persons Act of 1948, as amended, and under the act of June 30, 1950, and act of April 9, 1952, which provided for admission of in the aggregate 750 alien sheepherders.

However, the text of section 201(e) of the 1952 act, 8 U.S.C. 1151(e), has not heretofore

been amended to reflect such termination of quota deductions.[12]

Section 107 of S. 551 simply amends section 201(e) of the 1952 act to reflect the provisions of Section 10 of Public Law 85–316 above referred to.

Provisions of S. 551 To Eliminate Subquotas for Colonies

Under the Immigration Act of 1924 (c. 190, 43 Stat. 153), which the 1952 act replaced, a native of a colonial dependency in this hemisphere could enter under the quota of his mother country. The 1952 act in section 202(c), 8 U.S.C. 1152(c), for the first time imposed the limitation that no colony could use more than 100 quota numbers annually from the quota of its governing country.

This provision has been defended on the ground that colonies should not have access to larger quotas than if they were independent nations.[14] (This defense is inapplicable, however, to colonies in the Western Hemisphere, because independent countries in this hemisphere are not subject to any quota restrictions.)

On the other hand, the provision has been attacked as the product of racial prejudice against colonial peoples, harmful to the conduct of the foreign affairs of the United States.

One must recognize that, on its face, the provision does not discriminate on grounds of race, but rather on the basis that the political organization of the area is colonial.[15] In that respect it is unlike the discriminations against Negroes, Chinese and orientals discussed above, which explicitly indicate that this country regards persons of these races as less desirable immigrants.

Perhaps, the underlying basis for the existence of the provision was a thought that colonial peoples would probably be less educated, less skilled, less civilized than inhabitants of the governing country, and therefore less desirable immigrants. The provision, however, does not make education, skills, or degree of civilization the criterion, but relies solely upon the fact of the colonial status of the area.

As time goes on, of course, and as more areas of the world end their colonial status to become independent, the field of application of the provision will become more restricted. The British West Indies, for example, are scheduled to become independent on May 31, 1962 if present plans are approved. New York Times, June 18, 1961. Our present immigration policy toward colonial peoples, however, will no doubt have some effect on the attitudes of those peoples in the future, whether or not they become independent.

It seems to us that the provision for colonial subquotas is poor policy at this time in world affairs when this Nation seeks to disassociate itself from the trappings of colonialism in the struggle against the forces of communism for men's minds. See Jaffe, "the Philosophy of Our Immigration Law," 21 Law and Contemporary Problems 358, 376 (1956).

Subject to the suggestion below this committee accordingly approves of the provisions of section 108(a) of S. 551 which would amend section 202 of the 1952 act to provide: "(5) an alien born in a colony or other component or dependent area of a governing country for which no separate or specific quota has been established shall be chargeable to the quota of the governing country."

Perhaps inadvertently, S. 551 omits in the proposed amendment of section 202(a)(5) an exception contained in section 202(c) of present law, 8 U.S.C. 1152(c), namely, "unless a nonquota immigrant as provided in section 1101(a)(27) of this title," with the effect that a person who might under present law be entitled to admission as a nonquota immigrant, e.g., an immigrant who is the child or spouse of a citizen of the United States, would not be able to enter unless a quota space was available under the quota of the governing country.

The committee believes this omission from S. 551 is undesirable and should be corrected.[16]

Proposal of S. 551 to enact 10-year statute of limitations for deportation

S. 551 proposes to add to the Immigration and Nationality Act a new section entitled "Limitation of time of commencing deportation proceedings," reading as follows: "SEC. 294. No alien shall be deported by reason of any conduct occurring more than ten years prior to the institution of deportation proceedings."

The committee recommends the enactment of the proposed statute of limitations.

Almost all civil remedies and criminal sanctions in our legal system are subject to time limitations precluding adverse consequences for conduct more than a certain number of years past. The law imposes such limitations, not in order to encourage the tortfeasor, the cheat, the burglar, the extortioner, or the corrupt official, to name a few examples of those who may benefit thereby but because of the harmful social consequences of disrupting human affairs by reason of events in the far distant past.

In *Wood* v. *Carpenter*, 101 U.S. 135, 193 (1879) the Court explained: "Statutes of limitation are vital to the welfare of society and are favored in the law. They are found and approved in all systems of enlightened jurisprudence. They promote repose by giving security and stability to human affairs."

See Holmes, "The Path of the Law," 10 Harvard Law Review, 457, 477 (1897); Pound, "A Survey of Social Interests," 57 Harvard Law Review 1, 19 (1943).

The draftsmen of the 1952 act recognized that a statute of limitations was desirable in the field of deportation, but apparently considered that it should apply only to certain special grounds for deportation. In reporting the McCarran-Walter Act, the conference committee stated that "the conferees have provided for a statute of limitations * * * in accord with humanitarian principles, particularly in the case of aliens whose deportation would be based on mental disease or on economic distress" (H. Rept. No. 2096, 82d Cong. 2d sess., 192 (1952)).

Nevertheless, while the 1952 act limits deportation for certain grounds, including those based on mental disease and economic distress, to acts occurring within 5 years after entry, the act contains no general statute of limitations.[17] Even the 5-year limitation on certain grounds for deportation is undermined to a considerable extent by the reentry doctrine, which computes the 5 years, not from the original entry, but from the last entry made by the alien at any time (8 U.S.C. 1101(a)(13)).

The operation of the deportation law in the absence of any limitations period is illustrated by *Niukkanen* v. *McAlexander*, 362 U.S. 390 (1960). In that case, a 52-year-old man, employed as a house painter in Oregon, who had lived in this country since before his first birthday, and who had served honorably in our Army, was ordered deported on the grounds of parol evidence of conduct more than 20 years previous. We do not believe that the hardship to the individual in that case—and the hardship to his native-born American wife—was justified by benefits to society as a result of his deportation.

The chief purposes of deportation are similar to two of the aims of the criminal law; to deter specified conduct, and to prevent its repetition (in this country). In our Federal criminal law a 5-year statute of limitations is provided for practically all crimes (18 U.S.C. 3282). The exceptions to this general rule are crimes so heinous as to be punishable by death, such as murder, kidnaping or treason (18 U.S.C. 3281).

A commentator has discussed the purposes served by statutes of limitations in criminal laws as follows: "The primary consideration underlying such legislation is undoubtedly one of fairness to the defendant. There comes a time when he ought to be secure in his reasonable expectation that the slate has been wiped clean of ancient obligations.

* * * * *

"Where the legislature puts a limit on criminal prosecutions, it recognizes the defendant's special interest in not being compelled to put his freedom and his reputation at the hazard of what is likely to be parol evidence of imperfectly remembered events, while at the same time it denies the social utility of punishing crimes long past." "Developments in the Law—Statutes of Limitations," 63 Harvard Law Review 1177, 1185–1186 (1950).

The primary reasons underlying statutes of limitations in criminal cases seem to us equally applicable to deportation proceedings. We believe that society does not gain when persons are deported on the basis of long past events, and that considerations of fairness to the individual common to all systems of enlightened jurisprudence call for the adoption of a statute of limitations applicable to deportation. A 10-year period, which is twice as long as the limitations period for Federal felonies, appears to be ample to protect the interests of the Government in deportation matters.

Proposal of S. 551 to create a Board of Visa Appeals

Section 209 of S. 551 would establish in the Department of State a Board of Visa Appeals which would have jurisdiction to review upon the request of the Secretary of State or of any consular officer concerned, or of any person aggrieved thereby (1) all determinations denying, withdrawing or revoking a visa or any extension thereof other than a visa the issuance of which is subject to the direction of the Secretary of State; and (2) any determination as to the application or meaning of any Department of State ruling or regulation pertaining to immigration.

The issuance of visas to persons who seek to come to the United States is the function of American consuls in foreign countries. The refusal of such a visa is not subject to administrative review or any other remedial device. It is our opinion that this places too much arbitrary power in the consuls which in some instances may be subject to abuse. We believe that the establishment of the Board of Visa Appeals would serve a valuable purpose.

Proposals of S. 551 and H.R. 187 concerning judicial review

Despite the lack of specific statutory authorization for judicial review, the courts have long recognized that an alien in custody

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[13] See notes to 8 U.S.C.A., sec. 1151 and to 50 App., U.S.C., sec. 1952, 1960 Cumulative Annual Pocket Parts.

[14] Alexander, "A Defense of the McCarran-Walter Act," 21 Law and Contemporary Problems, 382, 393 (1956).

[15] Alexander Hamilton today might have difficulty entering the United States since he was of British colonial birth. Generally, as to the impact of a restrictive immigration policy on United States culture, see "Burma, Some Cultural Aspects of Immigration: Its Impact, Especially on Our Arts and Sciences," 21 Law and Contemporary Problems, 284 (1956).

[16] President (then Senator) Kennedy in proposing a similar amendment in S. 1996 (86th Cong. 1st sess.) retained the nonquota exception above referred to.

[17] 66 Stat. 204, 206–207, 8 U.S.C. 1251(a). See Maslow, "Recasting our Deportation Law; Proposals for Reform," 56 Col. L. Rev. 309, 314–315 (1956).

under an administrative order of immigration officials can challenge the legality of that order by a habeas corpus proceeding. *Chin Yow* v. *United States*, 208 U.S. 8, 12 (1908). The availability of that remedy is protected by the Constitution of the United States which provides, in article 1, section 9: "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

See also 28 U.S.C. 2241 et seq. The habeas corpus procedure is, of course, unavailable unless the alien is actually in custody.

For many years habeas corpus was the only procedure available for judicial review of administrative decisions concerning immigration, and an alien was therefore required to wait until he was taken into custody to obtain that review.

Over the years, however, the law developed to enable judicial review of such orders by other procedures, not requiring that the alien be physically detained. In *Perkins* v. *Elg*, 307 U.S. 325 (1930), the Supreme Court held that a person threatened with deportation proceedings could bring suit under the Declaratory Judgment Act, 28 U.S.C. 2201, to obtain a determination on a claim to U.S. citizenship. *Shaughnessy* v. *Pedreiro*, 349 U.S. 48 (1955), established that deportation orders rendered under the 1952 act were subject to review under the Administrative Procedure Act, 5 U.S.C. 1009.[18] *Brownell* v. *Shung*, 352 U.S. 180 (1956) held that the legality of an exclusion order was also subject to review under the Administrative Procedure Act.

Accordingly, under existing law an alien may obtain judicial review of a deportation or exclusion order either by a proceeding for declaratory review, or if he is in custody, by habeas corpus.

A leading text characterizes this development in the law as "an example of the way in which the courts are assimilating the immigration process into the general pattern of the administrative law" (*Gordon and Rosenfield* (1959 ed.), sec. 8.8).

We agree with this conclusion, and consider the result a salutary one. The law should afford an adequate opportunity in the courts for correction of illegal and arbitrary administrative action.

An alien subject to a deportation or exclusion order concededly has the right to judicial review by bringing a habeas corpus proceeding when taken into custody. We think that it has been a healthy development of the law which also affords him a decent opportunity to contest the order when he is not in custody. To make the availability of review turn on whether or not he is at the moment in custody seems unsound. The very existence of the order indicates that the alien will, at some time, be taken into custody to execute the order. No good purpose seems to be served by making him wait until the last minute to test in court the validity of the order which hangs over him.

A situation in which habeas corpus was the only form of review might even tend to encourage the Immigration Service to execute its orders with such unannounced dispatch that the alien would be gone and his case mooted before he was able to reach an attorney.

In any event, when habeas corpus is the only available procedure it has the disadvantage of necessitating frantic haste by the alien's attorney to get the necessary temporary restraining order to prevent the execution of the order before judicial review can begin.

We consider it a poor system which would place such a premium on fast footwork in the determination of legal rights, and accordingly consider that declaratory review of deportation and exclusion orders should be available without regard to whether the alien is physically in custody when he initiates the proceeding.

Statistics on judicial review in exclusion and deportation cases show that, during the period 1956–60, the courts reviewed administrative decisions in 2,010 cases and sustained the alien's claim to relief in 292 cases (1960 Annual Report of the I.N.S., p. 97). This seems to indicate administrative error in a remarkably high percentage of the cases, and to conform the real need for judicial scrutiny of administrative action.

Accordingly, we endorse S. 551 which would restate the existing case law in adding a new section providing:

"SEC. 293. In any exclusion or deportation case, after entry of a final order, an alien may seek judicial review under section 10 of the Administrative Procedure Act or under the Declaratory Judgment Act."

Deportation and exclusion orders are not the only administrative determinations in the immigration field the legality of which may be tested by judicial review. There is a variety of determinations concerning relief of various kinds committed by law to the discretion of the Attorney General, including suspension of deportation, voluntary departure, adjustment of status, waiver, and stay of deportation. (See Gordon and Rosenfield, sec. 8.14.) While courts will not substitute their discretion in these matters for that of the Attorney General, they will afford relief if shown that there has been "a clear abuse of discretion or a clear failure to exercise discretion." *Adel* v. *Shaughnessy*, 183 F. 2d 371, 372 (2 Cir. 1950).

Judicial review, of this limited sort, of discretionary action may also be sought in either habeas corpus or declaratory review proceedings. *Hintopoulos* v. *Shaughnessy*, 353 U.S. 72 (1957); *Ceballos* v. *Shaughnessy*, 352 U.S. 599 (1957).

With the development of the case law providing greater availability of judicial review has come not only the desirable feature of increased opportunity for relief from arbitrary and illegal administrative action but also the undesirable feature of increased opportunity for abuse of the judicial process by undesirable aliens.

The Department of Justice has repeatedly complained to Congress that the existing law allows deportable aliens, particularly criminals and traffickers in narcotics and subversion, to frustrate their well-deserved expulsion by resort to numerous dilatory judicial reviews. This criticism has been coupled with demands for remedial legislation. See Presidential messages to Congress reported in House Document No. 329, 84th Congress, 2d session (1956) and House Document No. 85, 85th Congress, 1st session (1957).

The report of the House Committee on the Judiciary of the 86th Congress on this legislation contained several chronologies of litigation submitted by the Department of Justice as examples of abuse by aliens of the procedures for judicial review. The report indicated that an alien named Carlos Marcello was among the worst offenders in that regard. Marcello had been ordered deported in February 1953 by reason of narcotic law violations, and by March 25, 1959, the Government still had not succeeded in deporting him to Italy. On six separate occasions Marcello had instituted suits raising issues incident to the deportation order, and although the Government successfully defended the validity of the order on each occasion, it was under court imposed restraint from deporting Marcello much of the time.

During the periods when there were no judicial restraints upon deportation, the Government was unable to deport Marcello because of the lack of an Italian passport. Then, whenever the Government succeeded in arranging for a passport, Marcello would start a new litigation.

A continuing sequel to that chronology has been recently reported in the press. Apparently the Government succeeded in arranging for Guatemala to accept Marcello, and, during a period when no judicial stay against deportation was in effect, grabbed him and whisked him off to Guatemala without allowing him an opportunity to consult with his lawyer. The cloak-and-dagger manner of Marcello's departure aroused considerable protest, and Marcello has been brought back again in order to enable the Immigration Service to allow him to contend that he should not be sent to Guatemala. See New York Herald Tribune, April 20, 1961.

H.R. 187, which we consider in this report, is intended to accomplish the purposes sought by the Government in preventing abuse of the judicial review process by aliens employing tactics like Marcello's. Bills containing similar provisions passed the House of Representatives in the 85th and 86th Congresses, but were not acted upon favorably by the Senate.

Although we are in sympathy with the objective of H.R. 187, and believe that some legislation would be helpful, we consider H.R. 187 to be undesirable.

* * * * *

CONCLUSION

The committee considers that the provisions of S. 551 and H.R. 3038, discussed above are most desirable and should be enacted, with modifications to eliminate racial discrimination against persons of Chinese ancestry, and to correct the drafting omissions affecting proposed sections 202(a)(5) and 202(d) of the Immigration and Nationality Act.

The committee considers that H.R. 187 is unsound in sending proceedings to review deportation orders to the courts of appeals rather than to the district courts, that it goes too far in limiting the availability of judicial review to aliens, and that its provisions applying the principles of res judicata to habeas corpus proceedings are unconstitutional. Accordingly, we believe that H.R. 187 should not be enacted. We do consider, however, that a provision limiting the availability of multiple judicial reviews, drafted so as to remain within constitutional limits, would be desirable.

Respectfully submitted.

Edwin L. Gasperini, chairman, M. Bernard Aidinoff, Howard J. Aibel, Alfred Berman, William G. F. Botzow, Victor Brudney, Edward Q. Carr, Jr., William G. Fennell, Marvin G. Frankel, Richard A. Givens, Cecelia H. Goetz, Lawrence W. Keepnews, Robert A. Kirtland, Robert A. Koch, Herbert Prashker, William J. Rennert, Leonard B. Sand, William J. Shrenk, Jr., Hayden N. Smith, Telford Taylor, Everett I. Willis, Herbert A. Wolff, Jr.

Mr. JAVITS. Madam President, the subject upon which I have spoken is one of the most urgent items in our legislative program, one which would do us an

[18] U.S.C. 1009 provides in part as follows:

"(a) Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof.

"(b) The form of proceeding for judicial review shall be any special declaratory review proceeding relevant to the subject matter in any court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action (including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus) in any court of competent jurisdiction. Agency action shall be subject to judicial review in civil or criminal proceedings for judicial enforcement except to the extent that prior, adequate, and exclusive opportunity for such review is provided by law."

enormous amount of good in terms of the whole world, one on which the President is pledged to deliver, one on which I feel we must hold the administration to its pledge, and one to which we must commit ourselves as well. We must stop the piecemeal business which has destroyed immigration legislation, and at last stand up as people with convictions, refusing to accept those piecemeal handouts, and insist upon a major revision of the immigration laws. I intend to proceed that way myself on the floor of the Senate. I have offered the bill for that purpose. I intend to codify my ideas to enable me to present them as amendments. I very much hope that the Senate will do the same.

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

The bill (S. 1823) to make certain changes in the Immigration and Nationality Act, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. KEATING. Madam President, I am very pleased to cosponsor the bill introduced by my colleague from New York [Mr. JAVITS] to amend the Immigration and Nationality Act.

I am also principal cosponsor of another major bill (S. 747) introduced earlier in this session by the Senator from Michigan [Mr. HART] for the purpose of making basic reforms in the Immigration and Nationality Act.

The Hart-Keating bill was drafted in cooperation with the American Immigration and Citizenship Conference, a group which has over the years provided outstanding leadership on this subject. It is the result of many years study of the problems in this field and reflects a completely realistic approach to the need for overhauling our present laws.

The bill being introduced today must not divide those in both parties who have joined in efforts for reform. Rather, it should serve to emphasize the bipartisan determination of a substantial number of Senators to support every reasonable attempt to bring about a much needed change in our immigration policy. There are differences in detail, but the purpose and goals are the same, to allow our great Nation to share fully in its world responsibilities and remove the unjust features of our immigration laws.

The American credo is based upon the rights and dignity of the individual. Our present immigration laws contain a number of discriminatory provisions which cannot possibly be reconciled with these principles. The bill being introduced today would eliminate these provisions from the law. Since I favor any action which would accomplish this result, I have joined as a cosponsor of this bill.

America has become great through the genius and industry of immigrants of every nationality and from every corner of the world. No nation can ever have a surplus of brains and skills, and no nation can prosper and grow if it cuts off the nourishment it receives from dedicated men and women throughout the world searching for a better life.

This bill makes special provision for the issuance of nonquota immigrant visas for refugee-escapees. People subject to persecution or fear on account of race, religion, or political opinion who have fled from a Communist-dominated nation would come within the definition of refugee-escapees in addition, individuals fleeing from Middle Eastern countries or other areas where forces are at work against the free world would be defined as refugee-escapees.

The bill also contains measures which would empower the President to direct the Attorney General to parole into the U.S. refugee-escapees, should future world developments create another situation similar to the Hungarian uprising. The provisions would provide relief to people fleeing from the tyranny of a Castro or similar tyrant.

These refugee-escapee provisions are of particular importance to our Nation's efforts to assume the initiative and provide moral leadership in the struggle with international communism.

The need for our Nation to take a more imaginative and positive approach to foreign affairs has been urged for years. Our image abroad has been under sharp attack. America can once again be the innovator in the struggle to capture the minds and hearts of people throughout the world. But this can be accomplished only by setting the kind of example which has made the United States a symbol of hope since colonial days.

I have consistently urged that hearings be scheduled by the Immigration Subcommittee of which I am a member on the Hart-Keating bill, S. 747, and was very pleased when hearings were scheduled for late last month. However, those hearings were postponed, and I regret that up to this time no date has been rescheduled.

It is regrettable that no immigration proposals have been forthcoming from the executive branch to date. However, Congress has its own responsibilities in this area and it is time we begin exercising them. Therefore, I continue to believe that hearings on the pending immigration bills should be held in the near future whether or not the executive branch has submitted its recommendations. But certainly our chances for success would be increased immeasurably by support from the executive branch and I hope that such support will be forthcoming when the committee holds its hearings.

INCREASED PARTICIPATION BY THE UNITED STATES IN THE INTER-AMERICAN DEVELOPMENT BANK

Mr. FULBRIGHT. Madam President, by request, I introduce, for appropriate reference, a bill to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes.

The proposed legislation has been requested by the Secretary of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Secretary of the Treasury dated June 7, 1963.

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

The bill (S. 1824) to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Inter-American Development Bank Act, 73 Stat. 299 (22 U.S.C. 283–283i), is amended by adding at the end thereof the following new section:

"SEC. 13. The United States Governor is hereby authorized: (1) to vote (a) for increases in the authorized capital stock under article II, section 2, of the agreement establishing the bank, and (b) for an increase in the resources of the fund for special operations under article IV, section 3, of the agreement, all as recommended by the executive directors in a report dated March 18, 1963, to the Board of Governors of the bank; (2) to agree on behalf of the United States to subscribe its proportionate share of the $1,000,000,000 increase in the authorized callable capital stock of the bank; and (3) to vote for an amendment to article VIII, section 3, of the agreement to provide that the Board of Governors may, upon certain conditions, increase by one the number of executive directors."

SEC. 2. (a) There is hereby authorized to be appropriated, without fiscal year limitation, for payment of the increased United States subscription to the capital stock of the Inter-American Development Bank, $411,760,000.

(b) There is hereby authorized to be appropriated for payment of the increased United States subscription to the fund for special operations of the Inter-American Development Bank, $50,000,000.

The letter presented by Mr. FULBRIGHT is as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., June 7, 1963.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill which would implement the recommendations of the National Advisory Council on International Monetary and Financial Problems relating to an increase in the resources of the Inter-American Development Bank. A copy of the report of the council is attached.

There are presently pending before the Board of Governors of the Inter-American Development Bank three resolutions submitted by the executive directors of the bank providing for increases in the resources of that institution. These resolutions, which are described in detail in the National Advisory Council report, would, if adopted,

provide for (1) an increase in the bank's authorized callable capital stock by $1 billion, of which the U.S. proportionate share would be $411,760,000, (2) an increase in the resources of the fund for special operations of $73.2 million, of which the U.S. proportionate share would be $50 million, and (3) an increase in the authorized capital stock of the bank by an additional $300 million, in order to provide for the admission of new members, to which the United States would not subscribe any portion. In addition, the latter resolution would provide for the enlargement of the board of executive directors by one member in the event new members are admitted with capital subscriptions of not less than $220 million.

The draft bill would amend the Inter-American Development Bank Act to authorize the U.S. Governor to vote in favor of the adoption of these three resolutions. It would also authorize the appropriation of $411,760,000 and $50 million as the U.S. proportionate share in the increases in the callable capital and the fund for special operations, respectively.

An appropriation will be required during this session of Congress of the $50 million representing the increase in the U.S. subscription to the fund for special operations. With respect to the U.S. subscription to the increase in the authorized callable capital stock, an appropriation of $205,880,000 will be requested in the following session of Congress to permit subscription to one-half of this Government's proportionate share of the increase prior to December 31, 1964, and an appropriation of an equal amount will be requested in the following year to permit subscription to the remaining one-half of the U.S. share of the increase prior to December 31, 1965.

The callable capital stock of the Bank serves as backing for its guarantees and its borrowings in the private capital markets, and the increase proposed will make it possible for the Bank to secure additional dollar funds to carry out its projected loan program through 1967. Further, it is not anticipated that any of the increase to be appropriated for subscription to the callable capital stock will be paid out as an actual expenditure by the Treasury, since it is not expected that the Bank will sustain losses which would require it to call upon members for payment of such capital in the foreseeable future. In this connection I should like to note that the U.S. financial community recently demonstrated its confidence in the Bank when a $75 million loan flotation was fully subscribed with purchases in 32 States and the District of Columbia. The Bank has also floated a bond issue in Italy amounting to $24.2 million in Italian lire, and it expects to sell additional securities in other European countries.

The Inter-American Development Bank was established in December 1959 to assist in accelerating and coordinating the economic development of Latin America, and represents the realization of a long-standing aspiration of the Latin American Republics. I am pleased to say that the results achieved to date by the Bank have exceeded the expectations of its member governments. Further, its contribution to the achievements of the Alliance for Progress has been of the greatest importance.

For a relatively new organization the Bank has demonstrated a remarkable record of loan activity. From the beginning of its loan operations in 1961 through December 31, 1962, the Bank has committed a combined total of $297 million in 86 loans from its ordinary capital resources and the fund for special operations. In addition, as the agent of the United States for the administration of the social progress trust fund, the Bank has committed a total of $320 million in 53 loans for the period from August 1961 through calendar year 1962. I consider this record of the Bank's operations to be impressive evidence of the importance of its role in the overall effort to attain the goals of the Alliance for Progress.

The additions to the Bank's resources which are now proposed are, in my view, vital to continued successful operation of this institution which is fulfilling so important a role in the development of our Latin American neighbors. The Governors of the Bank all agreed at the recent annual meeting of the Bank at Caracas to recommend to their governments that appropriate steps be taken to make these increases effective as soon as possible.

The President in his budget message advised the Congress that it would be asked to authorize the participation by the United States in enlarging the resources of the Bank, and I can assure you that he attaches great importance to this proposal. Further, since these increases will not become effective unless agreement by members is received prior to December 31 of this year, it is urged that the Congress promptly consider this legislation.

The Department has been advised by the Bureau of the Budget that the proposed legislation is in accord with the program of the President.

Sincerely yours,

DOUGLAS DILLON.

EXEMPTION OF CERTAIN VESSELS FROM REQUIREMENTS WITH RESPECT TO LICENSED OFFICERS

Mr. MAGNUSON. Madam President, I introduce, by request, for appropriate reference, a bill to exempt vessels operated solely for religious missionary purposes from certain requirements with respect to licensed officers.

I am advised that there are now several religious missionary vessels operating in Alaskan waters and some proposed for operation in the Caribbean. The results of these activities in the past have been highly successful and a credit and tribute to this country and the people operating them.

However, there is now a question whether in view of the requirements for licensed personnel aboard, these vessels can continue their good works. As a result I have been asked to introduce this measure in the hope that some adjustment can be made which will enable the missionary operations to continue and perhaps expand.

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

The bill (S. 1825) to exempt vessels operated solely for religious missionary purposes from certain requirements with respect to licensed officers, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

AMENDMENT OF FEDERAL POWER ACT WITH RESPECT TO FOREIGN COMMERCE IN ELECTRIC ENERGY

Mr. MAGNUSON. Madam President, by request, I introduce, for appropriate reference, a bill to amend the Federal Power Act with respect to foreign commerce in electric energy. I ask unanimous consent that a letter from the Chairman of the Federal Power Commission, requesting the proposed legislation, be printed in the RECORD.

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

The bill (S. 1826) to amend the Federal Power Act with respect to foreign commerce in electric energy, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

FEDERAL POWER COMMISSION,
Washington, D.C., June 24, 1963.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting herewith for the consideration of the appropriate committee of the Senate 20 copies of a draft bill to amend the Federal Power Act by repealing section 202(f) and amending sections 201 and 202(e).

Section 202(f) of the present Federal Power Act exempts from Commission regulation persons who transmit or sell at wholesale electric energy across an international boundary to or from a State, if the energy is not thereafter transmitted to another State.

There is no sound reason for this exemption. Foreign commerce in electric energy is an integral part of the national power complex. The fact that imported or exported energy does not move outside the border State to another State is not a ground for exempting the owner of the facilities from public utility status, since the operation is as much affected with the national, rather than local, public interest as is the movement of energy between States. Section 202(e) of the present act recognizes this fact by requiring Commission approval before electric energy may be transmitted to a foreign country. But that section is inadequate to accomplish effective regulation.

We are also recommending that, in addition to repealing section 202(f), amendments should be made to sections 201 and 202(e) of the present Federal Power Act so as expressly to include foreign commerce within the coverage of the act and define persons owning facilities used in the importation and exportation of electric energy as "public utilities," thereby subjecting them to the same regulation now imposed by the act upon companies operating in interstate commerce. The repeal of section 202(f) and the enactment of the amendments to sections 201 and 202(e), attached hereto, would remove any doubts that power moving in foreign commerce, and the U.S. companies so engaged, will be subject to the same regulation as is now the case with power flowing between States.

The transmission of electric energy between the United States and Canada and between the United States and Mexico may very well increase in the future. The facilities and services of importers and exporters of such power are important elements in the national power picture. Only through Federal regulation can their full integration with the domestic power facilities of the country be assured.

The amendments in the draft bill attached hereto were contained in sections 4(a), 4(b), and 4(c) of S. 2882 and H.R. 10865, 87th Congress.

Sincerely yours,

JOSEPH C. SWIDLER,
Chairman.

EXTENSION OF COAL MINE SAFETY ACT TO CERTAIN MINES

Mr. CLARK. Madam President, I introduce, for appropriate reference, a bill

to extend the coverage of the Federal Coal Mine Safety Act of 1952 to mines, now exempt, employing 14 or fewer individuals.

The small mine employing 14 or fewer persons is not now covered by the Federal Coal Mine Safety Act of 1952. Serious safety hazards are known to exist in many of these mines—hazards which, until they are removed, will continue to present unnecessary danger to human lives. Although State mine laws and facilities now exist, they are inadequate in alleviating the unsafe conditions in many of the small mines. If the Federal Coal Mine Safety Act were extended to cover the smaller mines, safer working conditions would surely result.

There is no good reason for the existing, arbitrary cutoff point of 14 men. Yet men working in the smaller mines must continue to work under overly hazardous conditions. Since 1952, when the act went into effect, the number of fatalities and the fatality rate per man-hour of exposure has fallen substantially in the larger mines. However, during the same period, the number of fatalities and the fatality rate in the smaller mines has remained approximately the same.

Included in this bill are several procedural safeguards which will protect small mine operators from having to comply with onerous legal requirements:

First. The Director of the Bureau of Mines would be required to issue regulations modifying or making inapplicable any safety requirement of existing law which does not "substantially contribute to the safety" of the men working in the small mines.

Second. Small mine operators would be permitted to appeal directly to the Bureau of Mines or the Coal Mine Safety Board of Review from the finding of violation by a Federal inspector and would not have to wait until a closing order had been issued, as in the case of large mine infractions;

Third. The Federal Coal Mine Safety Board of Review would be required to hear appeals by small mine operators in the county seat of the county in which the mine is located or at another place reasonably convenient to the operator of the mine;

Fourth. Federal inspectors would be prevented from closing a mine employing seven or fewer employees for most violations under the act unless the Federal inspector's finding were concurred in by the State inspector or an independent inspector appointed by a Federal district court of the district in which the mine is located.

All laborers have a right to work under conditions designed to protect their safety. The bill which I propose today would help to provide such conditions for the small mine worker.

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

The bill (S. 1830) to amend the Federal Coal Mine Safety Act in order to remove the exemption with respect to certain mines employing no more than 14 individuals, introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXTENSION OF THE JURISDICTION OF THE DELAWARE RIVER PORT AUTHORITY

Mr. CLARK. Madam President, on behalf of myself and Senators WILLIAMS of New Jersey, CASE, and SCOTT, I introduce for appropriate reference, a bill which would give consent to a supplemental compact between the State of New Jersey and the Commonwealth of Pennsylvania concerning the jurisdiction of the Delaware River Port Authority.

This supplemental compact would increase the jurisdiction of the port authority so that it would have the power to construct, operate, and maintain a bridge for vehicular traffic across the Delaware River at a point between New Jersey and the city of Chester, Pa.

Approval of the supplemental compact in no way passes upon the merits of any design proposed for the bridge. This is a matter upon which local authorities and the U.S. Army Corps of Engineers must agree. It simply grants the power to construct and operate a bridge once all interests have agreed upon a specific structure.

Madam President, the supplemental compact has been agreed to by the legislatures and signed by the Governors of both New Jersey and Pennsylvania. The compact adds to, and in no way diminishes, the previous powers of the Delaware River Port Authority.

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

The bill (S. 1832) granting the consent of Congress to a further supplemental compact or agreement between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, formerly the Delaware River Joint Commission, and for other purposes, introduced by Mr. CLARK (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

PROVISION OF CERTAIN FACILITIES TO CIVILIAN OFFICERS AND EMPLOYEES

Mr. McCLELLAN. Madam President, I introduce, at the request of the Bureau of the Budget, a bill to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States.

This bill would continue the basic authority now granted Government agencies by the act of March 5, 1928 (5 U.S.C. 75a) and it would clarify existing statutory authority for providing of quarters, household furniture and other services to civilian employees of the Government who occupy Government quarters.

In the 86th Congress, an identical bill was reported favorably by the Senate Committee on Government Operations, and that bill was passed by the Senate. In the 87th Congress, an identical bill was reported by the House Committee on Government Operations, and was passed in the House of Representatives. In these two Congresses, there was a failure to get action in both Houses, although the Senate and the House have passed this legislation in separate Congresses.

Madam President, I ask that the letter from the Director of the Bureau of the Budget addressed to the President of the Senate requesting the introduction and consideration of this proposal, be inserted in the RECORD at this point as a part of my remarks.

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

The bill (S. 1833) to authorize Government agencies to provide quarters, household furniture, and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes, introduced by Mr. McCLELLAN, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

The letter presented by Mr. McCLELLAN is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 13, 1963.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I have the honor to transmit herewith a proposed bill "to authorize Government agencies to provide quarters, household furniture, and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes."

The purpose of the proposed bill is to restate and clarify existing statutory authority and regulations which authorize the providing by the Government of rental quarters and certain related services for its personnel. It is primarily in the nature of perfecting legislation. It is not expected to result in additional costs to the Government, nor in savings, but to standardize and improve rental practices.

Specifically, the bill would:

(a) Restate existing authority to provide rental housing for civilian employees of the Government;

(b) Reinstate a statutory barrier against forced occupancy of Government rental housing such as was carried for some years in appropriation acts, and which has not been suggested in recent years in anticipation of permanent legislation such as is being proposed;

(c) Authorize the President to issue regulations for more equitable application of the law relating to rental quarters and related services; and

(d) Clarify the applicability of the law in certain cases not now clearly covered, such as rent for contractors' employees and members of the uniformed services who occupy rental housing.

A similar proposal was introduced in the 86th Congress as Senate bill 3486, was reported by the Senate Committee on Government Operations in Report No. 1570, and was passed by the Senate on June 14, 1960. The bill had not been acted upon by the House of Representatives at adjournment.

Subsequently, an identical bill was introduced in the 87th Congress as Senate bill 797, and in the House of Representatives as H.R. 7021. The House Committee on Post Office and Civil Service reported on its bill in report No. 856, and the House of Representatives passed the bill on August 21, 1961. The Senate Committee had not reported the bill at the time of adjournment.

With two minor changes, the legislation now proposed is identical with that approved

by both the House and the Senate in the two Congresses. The first change, the addition of language at the end of section 2 and section 3, relates to the need for wording to assure the continuation of present and longstanding practice of crediting rents and proceeds of other services to appropriations. The Comptroller General expressed the view that the earlier proposed wording would remove the authority for retaining in the various appropriations the amounts of rentals and other charges, which are now available to defer the costs of upkeep and service operations involved. Budget estimates have generally been calculated on the assumption that such deductions will continue to be available for these purposes.

The second change is the elimination of the Trust Territory of the Pacific from the proposed coverage of the bill. Since the earlier version was drafted, the enactment of the Overseas Differentials and Allowances Act of September 6, 1960 (5 U.S.C. 3032) has rendered unnecessary the need for coverage of the territory in this bill.

The Bureau of the Budget recommends favorable consideration of this draft bill.

Sincerely,

KERMIT GORDON,
Director.

EXTENSION OF TIME FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORTS

Mr. McCLELLAN. Madam President, I ask unanimous consent that the Committee on Government Operations may have an extension of time for filing reports concerning last year's work to September 30, 1963.

This extension involves two reports: First, on the Department of Agriculture handling of the pooled cotton allotment transfers of Billie Sol Estes, and second, on the pyramiding of profits and costs in the missile-procurement program. The report concerning the Agriculture Department has been delayed because of the fact that the record will not be complete until the subcommittee hears the testimony of Billie Sol Estes. Until recently, his appearance has been prevented because of pending court trials in which he was a defendant. The subcommittee delayed his appearance, in order not to prejudice the judicial proceedings. This situation no longer prevails, and we hope to be able to schedule his testimony in the near future. The report concerning the missile-procurement program has been delayed because of the heavy workload now being carried by the subcommittee.

On April 1, the Senate granted an extension of time for the filing of these reports and a report about the American Guild of Variety Artists. The latter report was filed a few days ago; but, for the reasons I mentioned, the subcommittee has been unable to complete its work on the other two matters. Therefore, I ask for this additional extension of time.

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

ADDITIONAL COSPONSOR OF BILLS

Mr. SCOTT. Madam President, on Wednesday, June 26, the senior Senator from Oregon, Mr. MORSE, introduced two bills, S. 1801 and S. 1802, that deserve consideration of the Senate.

In the day of ever-increasing Federal Executive power, it rests upon the legislative branch of Government to carefully consider all proposals that are directed at the protection of individual rights.

Every individual is guaranteed by the Constitution the right to a speedy trial. Although the Federal Rules of Criminal Procedure, as well as the statute of limitations can be called upon, it might be well for the Senate to study the advisability of additional legislation to further insure that right. One of Senator MORSE's bills would provide the vehicle for such consideration.

With mass communication media and the increased use of "on-the-spot" news coverage, I sometimes fear the trial in a criminal case is no longer restricted to the traditional courtroom with the right of jury. Rather, the results in some cases appear to be based on a mixture of admissible evidence in the courtroom and campaign-like releases outside.

The traditions of Anglo-Saxon justice should not be modernized at the expense of the accused, and the appropriate safeguards relating to the release of information should be studied carefully.

The legal profession, always alert to the needs of justice, should shed interesting and informative light in this area.

Senator MORSE's second bill reveals the concern of some that our system is not without its weaknesses and a study of the need for further protection of the individual should be brought about by its introduction.

Because of my continuing support of legislation directed at individual rights, I ask that my name be added as a cosponsor to these two bills.

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

ADDITIONAL SPONSOR OF JOINT RESOLUTION

Mr. JAVITS. Madam President, I ask unanimous consent that the name of the Senator from Connecticut [Mr. RIBICOFF] be added to the list of sponsors of Senate Joint Resolution 97, to award a medal to Danny Kaye.

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

COMMITTEE HEARINGS ON GOLD LEGISLATION

Mr. GRUENING. Madam President, gold—the lure of it and the search for it—has been a cornerstone in the development of the Western civilization. It was gold that lured the Spanish conquistadores to the New World a century before the arrival of the Pilgrim Fathers. It was gold that caused so many of our pioneer forefathers to endure the hardships and brave the dangers of our early wilderness, and later to drive on to my own State of Alaska, to win the West.

That was in years past. Yet never at any time in our long history as a nation has gold—and our supply of it—been as crucial to our country and its well-being as it is today. For years now, rarely has a week gone by without one or more of our country's leaders pointing to the alarming, or, more accurately, perilous flight of our gold overseas.

As recently as Friday the distinguished senior Senator from Oregon [Mr. MORSE] stood in this Chamber and, in the course of a speech on another matter, solemnly warned us that as of last Wednesday night—June 26—the Treasury's gold stock stood at $15,733 million, the lowest level since April 1939.

Yet, Madam President, at the very time when everyone of any responsibility in our country, regardless of his political or economic philosophy, is alarmed at the ever-continuing ebb in our gold supplies, and warns that our country needs gold and more gold, we have abundant sources of gold under our own lands, within our own country. Not only do we have sources of adequate supplies of gold; we also have the miners with the skills, and the energy to mine it.

We need gold; we have gold; we have the men who are ready, willing, and able to produce gold. Yet because of policies inherited from the Hoover depression days, we are unable to produce it. This situation is absurd. It is perilous.

In an effort to find ways and means of rectifying this absurd and perilous dilemma, the Subcommittee on Minerals, Materials, and Fuels, of the Senate Interior Committee, is holding hearings on gold on July 15, 16, and 17. We have before us two bills designed to conserve our reserves of gold and increase our supplies. They are S. 100, introduced by the able Senator from Colorado [Mr. DOMINICK]; and S. 1273, which I introduced on behalf of myself and Senators MCGOVERN, BARTLETT, KUCHEL, MUNDT, and BIBLE.

Our subcommittee's inquiry will not by any means be limited to these two bills, however. What we are interested in is finding a way out of the anomalous situation in which we find ourselves—that of needing gold desperately at a time when our once highly-productive gold mines have been closed and are continuing to close as a result of action and inaction by our Government.

Anyone who has any ideas to convey to us about increasing our gold supplies, opening our gold mines, and finding still new deposits of this key metal and commodity will be welcomed at this hearing.

On behalf of the subcommittee, I invite Senators to participate.

NOTICE OF HEARING ON CIVIL RIGHTS LEGISLATION

Mr. METCALF. Mr. President, on behalf of the Committee on the Judiciary, I have been requested to give notice that beginning at 10:30 a.m., on Tuesday, July 16, 1963, in room 2228, New Senate Office Building, there will be a public hearing on civil rights legislation, at which time the Attorney General of the United States will appear and testify.

RISE IN GOVERNMENTAL SPENDING

Mr. DOMINICK. Madam President, many of us have complained bitterly

about the continued rise in governmental spending. We have warned of the inflationary effect of rising deficits. We have been concerned about our continuing loss of gold reserves. But despite those pleas, the administration offered a $100 billion budget for the present fiscal year with a planned deficit of $10 billion built in. We have recently completed action in relation to one increase in the public debt limit, and will be required to vote a still higher limit before September 1 of this year.

It seems to me that the feeling of all Americans about this course of fiscal insanity is well set forth in a letter to the editor printed in the San Diego Evening Tribune, a copy of which was recently forwarded to me. The author of the letter is a thoughtful person who has, during his lifetime, shouldered a good deal more than his share of the burden of this country.

In opposition to continued governmental spending, I ask unanimous consent that the letter may be printed at this point in my remarks.

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

BURDEN OF TAXES CALLED HERITAGE OF LIBERALISM

EDITOR: President Kennedy has asked Congress to increase our debt limit to $320 billion. This is an increase of $37 billion in his first 3 years in office. At this rate, during an 8-year term he will have increased our debt limit by $100 billion. At 4 percent the interest on this would be $4 billion annually. This would be a continuing annual cost of Government until the debt is paid down.

Thirty years ago during President Herbert Hoover's 4 years in office our total annual Federal expenditures averaged less than $4 billion.

It is not merely the figures that appall one but rather the unrealistic attitude and undeviating policy of the present administration to greater and greater spending. It seems to take pleasure in justifying the most extravagant expenditures.

The administration is placing a handicap on our children and on our children's children for generations to come which is almost impossible to visualize. They will be growing up under insurmountable financial burdens. Such is the heritage of liberalism.

This defeatist attitude of spending which will eventually make a second-class power of our Nation is entirely unnecessary. If the administration had an eye to our future and a will to save it could cut expenditures drastically.

There are places where tremendous savings can be made without harm and with great benefit to our economy.

The Marshall plan to rebuild the war-ravaged countries after World War II and to rekindle their economies for a fresh start was excellent as a temporary measure.

Now, 18 years later, the Kennedy administration has asked for a foreign aid appropriation of $4.9 billion for fiscal 1964. We have already spent $100 billion in foreign aid. It is a typical example of bureaucracy in action. They never quit. Once established a bureau's every effort seems to be to expand its activities and to spend more and more.

Isn't it about time that we stop subsidizing foreign competition which makes it more difficult for certain of our own industries to prosper? Shouldn't we again concentrate on strengthening our own economy?

Foreign aid should be cut $1.5 billion next year as proposed by Mr. Kennedy's own nine-member committee. After that it should be radically reduced every year and gradually phased out toward our prewar status of taxing our citizens for the benefit of our own country.

Why should we send profits from our capitalism to 110 countries around the world to help underwrite their socialism? U.S. taxpayers are taxed at a higher rate than are the taxpayers of countries to which we give foreign aid.

Under Secretary of the Interior Stewart Udall's aggressive policy, the administration is pushing its public power projects at an accelerated rate. This is costly to us taxpayers who pay the bills and discouraging to private business which cannot compete with the Government's unfair, tax-favored electric power plants with their privileged, noncompetitive bookkeeping.

Privately owned utility companies are ready, willing, and able to supply all the electric power needed in this country. If permitted to do so it would cost us taxpayers nothing and would save us millions of dollars in taxes annually.

It is stated unequivocally that there is no military value in landing a team of astronauts on the moon. Nevertheless, for fiscal 1964, the administration proposes to spend $6 billion to support the National Aeronautics and Space Administration's program for peaceful exploration in space. This is four times the $1.5 billion for development of weapons in space.

Unless our Government awakens from its costly dreams of grandeur it will soon spend us beyond recall. It will destroy our moral fiber. This has been the history of previous profligate nations from the time of the fall of the Roman Empire to the present.

Excessive expenditures with their toll of incentive-destroying taxes discourage constructive business enterprises which are the essential basic strength of virile nations.

HENRY LIPPITT.

THE ALLIANCE FOR PROGRESS

Mr. KEATING. Madam President, the welfare of our Latin American neighbors is of deep concern to us all. I have little doubt that our Alliance for Progress could play an important role in helping these nations to progress economically. There might be a much greater chance of success if we concentrated our aid more on a people-to-people basis rather than on a government-to-government basis.

American business should be encouraged and helped to cooperate with Latin American business. Our program should be oriented to enable the people of these nations to help themselves. It should emphasize private enterprise and self-help programs in the Latin American countries and play down large government-to-government deals which often have a political purpose for the group in power rather than an economic or social value for the nation as a whole.

Madam President, I ask unanimous consent that an excellent editorial by O. Roy Chalk in El Diario, America's largest Spanish language daily, be printed in the RECORD after my remarks.

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

WHAT'S WRONG WITH THE ALLIANCE FOR PROGRESS?

In our opinion, the reason for the basic failure of the Alliance for Progress lies in the fact that those who administer AID and have the responsibility for its implementation either lack the authority to act in accordance with their convictions or lack the "guts" to make a decision on their own responsibility. Apparently, the advisory committee of outside agencies, World Bank, Treasury, etc., who are not charged with the responsibilities of administering the Alliance for Progress have taken backstage control and have transformed, what was intended as a spirited horse, into a twisted slow moving camel. A change in authority, organization and decisionmaking power is a matter of immediate urgency.

If the administrators of the Alliance for Progress and the Agency for International Development actually have both authority as well as responsibility, but because of outside Agency coercion lack the courage of their convictions and fear to oppose such committees, then this authority and responsibility should be taken from them. It should then be placed in the hands of a businesslike authority willing to perform its duties. Such an authority could be a newly proposed Inter-American Business Authority.

Another obvious weakness of the Alliance for Progress is its cross-eyed focal direction. While appearing to be watching the interest of people, it sees only governments. The Alliance is concentrating too much on government to government programs rather than people to people programs. Social reforms, agrarian reforms and governmental public projects are admirable. But when the Alliance puts excessive emphasis on this governmental area and too little in areas of private industry, then the Alliance is overlooking its greatest opportunity and its major strength. Aiding people to aid themselves in the industrial growth of Latin America, assisting people to raise their standards of living and to create more jobs for more people should be major immediate objectives underlying the spirit of the Alliance rather than long delayed byproducts of governmental largesse. Such industrial development of Inter-American private enterprise could be a massive weapon to fight communism at the point of communism's greatest weakness—the stomach of hungry men. An alliance of inter-American people with inter-American people—an alliance of inter-American businessmen with inter-American businessmen for progress in Latin America should be the focus of the Agency for International Development rather than upon an alliance of governments for governments.

In a constructive sense, we would suggest deferred action on appropriations for government to government projects (e.g., $500 million for a government steel plant) and immediate authorization for inter-American people-to-people projects.

O. ROY CHALK,
Publisher and Editor in Chief.

ANTI-SEMITISM IN THE SOVIET UNION

Mr. KEATING. Madam President, anti-Semitism is a despicable prejudice no matter where practiced and in what form. The whole world was revolted a little more than 20 years ago by the way in which the Jewish people were massacred under the Nazi regime. However, physical violence is not the only way in which anti-Semitism can be manifested. Economic discrimination and social ostracism can be a serious hardship to the victims and equally violate the basic equality of man.

The leaders of the Soviet Union claim that their country is the only one where true freedom and democracy prevail. We have long known the peculiar definition which they have had to give to these

words to make them fit Soviet propaganda. Further evidence of Soviet hypocrisy recently appeared in an article in the Herald Tribune. The anti-Semitism practiced in the Soviet Union, the economic and social discrimination, belies the words of their leaders and should be continually brought to the attention and condemnation of free peoples everywhere.

Madam President, I ask unanimous consent that this article by David Miller be printed in the RECORD following my remarks.

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

BEWARE OF FOREIGNERS—WARNING TO MOSCOW JEWS

(By David Miller)

Three Moscow Jews were severely attacked in a Soviet newspaper yesterday for alleged dealing with the Israel Embassy and other foreigners.

Informed sources said the attack in the nationally distributed newspaper Trud (Labor) was similar to press stories that preceded the closing of the Lvov Synagogue, but it was believed that the Moscow Synagogue was too important a showplace for Western tourists to be seriously affected.

But it was noted that the newspaper article was bound to have adverse effect on non-Jews who would be led to believe that Soviet Jews are not proud of their homeland and tend to speculate with religious articles and literature from abroad.

In addition, the effect upon Moscow Jews would be similar to other anti-Western stories that have appeared in recent weeks—widening the gap between Moscow's Western community and the Russian people. The story, in effect, served notice on Moscow Jews to steer clear of the Israel Embassy and other foreign Jews.

Singled out in yesterday's attack were Moise Ludovich Chernukhin, 56; Cyinovy Isaakovich Rogeinski, 66, and Shimon Avsyeb Sheiffer, 80.

An Israel Embassy spokesman declined to comment on the stories but noted that the last newspaper attack on the Embassy was in January 1962. In both cases the stories appeared in Trud and were signed by "A. Brchling."

Trud, which said that it was running the story because the editors had received too many complaints from readers who were shamed by the situation, entitled the story "There Are Hangers On," an obvious allusion to the parasites, those who do not work for a living. Under a Soviet law the offense of parasitism is punishable by exile from big cities.

In discussing each of the three men, Trud said Chernukhin's behavior was so disgraceful that he was ousted from membership in the Moscow Synogogue Council of 20, a group that guides the synagogue's affairs. Chernukhin, said Trud, could neither read nor write but was invited last year to the Israel Embassy for a party honoring the Israel delegation to the World Congress for Peace and Disarmament. The Israel delegation included representatives of the arts, literature, and science.

An Israel Embassy spokesman noted that, as an official of the synagogue, Chernukhin was invited to Israel Embassy functions and that the invitations always went through the rabbi in Moscow as a matter of protocol.

Even after he was thrown off the council, Trud continued, he returned to the synagogue to ask foreigners for "souvenirs" that he used for his "speculative machinations."

As far back as 1949, Trud said, Chernukhin had told foreigners lies about poor living conditions in the Soviet Union. These lies, it was said, were used by the Israel press in an anti-Soviet campaign.

Chernukhin allegedly received Zionist and religious literature from the Israelis.

Rogeinski, according to Trud, left his family a few years ago and began living with a young mistress. He took everything he could to the Israel Embassy and sold them at speculative prices. When the Embassy gave a party last October 17 in honor of the Jewish New Year, Rogeinski took so many prayer shawls, books, records and magazines that it was impossible to recognize him as he left the Embassy.

Sheiffer, as a pensioner, spent most of his free time in the synagogue. But when a foreigner arrived in the synagogue, Sheiffer was just a step behind, asking for prayer shawls and souvenirs, Trud said.

The article failed to mention that Israel diplomats are obliged to sit in a special reserved section to prevent ordinary Russians from coming in close contact with them. An officer of the synagogue usually stands between the Israelis and the congregation to prevent conversation of any sort.

The newspaper warned westerners not to invite people like the three men to their parties if they did not wish to be boycotted by "honest Soviet citizens."

At the same time the newspaper said it did not wish to build a wall between westerners and Russians that would prohibit all contact.

NEW YORK—HEADQUARTERS CITY, U.S.A.

Mr. KEATING. Madam President, every Senator is entitled every once in a while to have his say—in fact, to brag a little—about one of the many great wonders to be found in his State.

It is often said in jest, and perhaps even more often, in dead earnest, that "New York City is a great place to visit, but I wouldn't want to live there."

Frankly, Madam President, I have always thought that there was more than a little bit of jealousy in this remark. For deep down in everyone's heart, there is a keen awareness that if you are going to choose the city over the farm, the asphalt over the pastures, the bustle over the sedentary, the excitement over the humdrum, then you may as well live in the greatest metropolis in the world, New York City.

Most of us are aware that New York City has the best that any city can offer—in the arts, in education, in finance, business, and industry.

For the "Doubting Thomases," Madam President, may I heartily recommend an excellent series of articles that I have just seen and read describing the many great advantages of living and working in the Empire City of the Empire State. This series appears in a special 52-page section of the July issue of Fortune magazine. It is entitled "NY/HQ/USA"—in other words, New York, the Headquarters City, U.S.A.

The Commerce and Industry Association of New York, which has a membership of more than 3,500 business firms in the State, is the sponsor of this special section. Its executive vice president, Ralph C. Gross, had a leading hand in its production. Its dramatic, often breathtaking, pictures, its maps, its drawings, and its superb text tell the story of New York City as the leading business, financial, communications, and cultural headquarters of the United States, if not the entire Western World. Of particular emphasis are New York City's attractions and inducements to both national and international business enterprises to make this great city their corporate home.

In developing this editorial and graphic masterpiece, the Commerce and Industry Association has launched a great promotional effort to help focus attention on the wealth of unmatched resources which the city can offer to corporations and their many employees.

New York City has never put all its eggs in one basket. In addition to the advantages of locating a business in New York, this fine series stresses the amenities of living, the endless variety of sights and sounds, of culinary tastes and smells, of stimulating associations that New Yorkers need hardly seek but to find.

This special section, published last week, will be seen by some 375,000 key subscribers to Fortune around the world, and thousands of reprints are being made available by the association, as well as by the city and State departments of commerce, to point up the benefits of moving business headquarters to Headquarters City, U.S.A.

This outstanding promotional effort by the Commerce and Industry Association in behalf of the greatest city in the world wil surely contribute to further improvement of New York's business and economic climate, as well as to its educational and cultural complex.

To the few who, after reading this series, still would not want to live in New York City but are content but to visit, we in New York extend a standing invitation to come see us any time of year.

THE ANTI-POLL-TAX AMENDMENT

Mr. HOLLAND. Madam President, I have noted some friendly editorial comment with reference to the fact that Kentucky, at a special session of its general assembly, recently approved and ratified the pending anti-poll-tax amendment to the Federal Constitution, thus being the 36th State to so act.

I ask unanimous consent to have included in the body of the RECORD as a part of my remarks, first, an editorial from the Washington Post of June 28, 1963, entitled "Calling Texas and North Carolina"; and, second, an item from the weekly news review section of the New York Times of last Sunday entitled "Action on Poll Tax," which contained editorial comment on the prospects of ratification by the 38 States required.

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

CALLING TEXAS AND NORTH CAROLINA

Kentucky has become the 36th State to ratify the proposed 24th amendment to the Constitution. With only two more ratifications necessary to make this anti-poll-tax amendment a part of the Constitution, the question immediately arises as to whether two additional legislatures will be called into special sessions to complete the action. Usually States regard it as a privilege to write the final strikes that put a popular constitutional amendment on the books, and the door to such opportunity is now wide open.

Special credit goes to Kentucky, which approved the Federal ban on the poll tax despite the fact that it will sweep away a largely dormant Kentucky law. By contrast the State of Maine rejected the proposed amendment, and several other legislatures which should have approved it simply failed to act one way or the other. The additional ratifications are likely to be forthcoming in January, therefore, if no special sessions are called this year. The Legislatures of Wyoming, South Dakota, and Arizona, all good prospects, will meet in January.

It would be highly salutary, however, if the ratification process were completed within the next few weeks, and the States to which the honor should go are North Carolina and Texas. This constitutional amendment has been sponsored by Senator HOLLAND, of Florida, and it has substantial support in the South. The Governors of both Texas and North Carolina are said to favor its ratification. The whole country would experience a lift if they would call their legislatures into special session and provide a final coup de grace to taxes on the right to vote.

ACTION ON POLL TAX

Poll taxes, once common devices to discourage Negro voting, are imposed now in only five States—Alabama, Mississippi, Arkansas, Texas, and Virginia. In none of them is the tax more than $2 a year, and the Civil Rights Commission says the tax effectively deprives Negroes of the vote only in the first two. In the others, incomes are high enough to make the levy meaningless.

In September, an amendment to the Constitution that would prohibit such taxes as requirements for voting in a Federal election started through the State legislatures. If ratified by 38 States—three-fourths—it would become the 24th amendment. President Kennedy has thrown his weight behind the amendment to end what he calls "this artificial bar to the right to vote."

The amendment has progressed speedily, and last week won approval in Kentucky, the 36th State to ratify. Every State legislature has ended work for this year, but a chance remains for the amendment in 1963; Kentucky acted in a special session called to deal with other matters, and it is possible others might. Prospects are better for the amendment next year, when the Arizona and South Dakota bodies are scheduled to meet. It dies unless it is ratified by 1969.

Mr. HOLLAND. Madam President, I do this to call attention to the vastly different approaches of these two learned editorialists; one of whom thinks that the appropriate course is for two great States of the South—namely, the States of North Carolina and Texas—to complete the ratification by becoming the 37th and 38th States, and the other, from the New York Times, who seems to pin his faith and hopes on Arizona and South Dakota, the legislatures of which meet in January of next year.

At any rate, it is interesting to note that thinking people are considering this question seriously. I trust the hopes of both these editorialists will be realized in the near future, and that the amendment may be made effective.

WILDERNESS

Mr. KUCHEL. Madam President, the May issue of Westways magazine, published by the Automobile Club of Southern California, carries an interesting thought-provoking article on the subject of wilderness, written by Michael Frome. California has some of the finest, most extensive wilderness areas in the Nation, which would be given renewed protection through enactment of the wilderness bill presently before the House of Representatives.

Mr. Frome is well qualified to write on this subject, as the author of the recent book, "Whose Woods These Are—The Story of the National Forests," dedicated to the memory of your late distingushed husband, the able Senator Richard Neuberger, a champion of wilderness during his lifetime.

The point Mr. Frome makes in this article is that commercial interests deserve their proper place in the use of public lands but that wilderness, too, must be clearly defined to preserve the lasting values of primeval America for the inspiration of future generations.

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

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

WILDERNESS

(By Michael Frome)

"At the gates of the forest, the surprised man of the world is forced to leave his city estimates of great and small, wise and foolish. The knapsack of custom falls off his back with the first step he makes into these precincts. Here is sanctity which shames our religions, and reality which discredits our heroes.

"Here we find nature to be the circumstance which dwarfs every other circumstance, and judges like a god all men who come to her. Every moment instructs, and every object, for wisdom is infused into every form."—RALPH WALDO EMERSON.

The American wilderness is many things to many people of our time; a sacred, spiritual place to the sheer idealist who persists in dreaming the old American dream, a laboratory for learning to the natural scientist, a test of hardihood to the outdoorman and hunter, and rather an encumbrance on the land to the materialist whose modern view dictates that real estate must be used in order to be useful. But from whatever quadrant of interest one happens to regard the wilderness, there is little doubt it is a fading vestige of the national scene, either to be civilized mercifully off the map or to be cherished and saved.

The forefathers faced no such choice. It was only through their ability and determination to clear the land, to conquer wilderness, that settlement progressed and cities were born. And yet, no matter how deeply they advanced there seemed always to be more, a limitless luxury of unadulterated and untrod desert, forest and mountain. Henry David Thoreau warned it would not last forever, and so did George Catlin, the painter-explorer, but their voices were lost in the floodtide of expansion.

To the credit of the past, steps were taken to protect wonders of the landscape. In 1864, Yosemite Valley was set aside and a decade later so was the fantasy of Yellowstone Park, remote though it was at that time. Then, early in the 20th century, wilderness became not just a sentiment among those who hoped to preserve it but a modern science, evoked by Aldo Leopold, forester, wildlife biologist and teacher. Looking across the Southwest, he saw six immense roadless areas, each larger than a million acres, providing refuge for wild creatures, driven from their once great range, and for the sportsmen. But would these remain inviolate without some special protection?

Leopold's objective was not to "lock up" the land but to save it, to save the predators, the wolf, lion, and coyote—from extinction and for their useful role in maintaining a biotic balance with the animals they prey upon, to save it for the hunter, and for any man in search of complete comradeship with nature. In books and articles he stressed the interdependence of the natural world, teaching the same lesson taught by William Bartram, Thoreau, John Muir, and Ernest Thompson Seton, the essence of wilderness which we have still fully to absorb. "The last word in ignorance," he wrote, "is the man who says of a plant or animal, 'What good is it?' If the land mechanism as a whole is good, then every part of it is good, whether we understand it or not."

While Leopold was responsible for establishing the first wilderness area in New Mexico, Robert Marshall in the 1930's brought the concept to maturity during his career as chief of recreation of the Forest Service, and as a founder and president of the Wilderness Society. True, many of the national parks had long been roadless areas, but Marshall determined to establish clear boundaries for them within the national forests. He contributed to the establishment of regulations in 1939, the year of his death, under which 14 million acres of national forest wilderness are still protected.

These provide that the Secretary of Agriculture, on recommendation of the Forest Service, may designate unbroken tracts of 100,000 acres or more as "wilderness areas" and others of 5,000 to 100,000 acres as "wild areas." Commercial timber cutting, roads, hotels, stores, resorts, summer homes, camps, hunting and fishing lodges, motorboats, and airplane landings are all prohibited. Under the regulations, wilderness areas cannot be established, modified, or eliminated except by order of the Secretary after public hearings are held.

To Marshall, wilderness comprised "the peaceful timelessness where vast forests germinate and flourish and die and grow again without any relationship to the ambitions and interference of man." This is an exciting image to anyone who has walked in the wild glen and seen flowers springing up from under the dense forests such as defy cultivation, who perceives the decaying trunk of a fallen tree as really a priceless thing, giving life and sustenance to forms of beauty nothing else can nourish.

Yet, like Leopold, he made clear that his intention was not to "lock up" the land. The dominant attributes of such an area, said Marshall, are: First, that it requires anyone who exists in it to depend on his own efforts for survival; and, second, that it preserves as nearly as possible the primitive environment. This means that all roads, power transmission and settlements are barred. But trails and temporary shelters, which were common long before the advent of the white race, are entirely permissible.

Now we are in a new era. It is true the Federal Government administers 85,000 square miles of wilderness, the sum total of 167 separate tracts within national parks, national forests, national wildlife refuges and Indian reservations, which may sound substantial enough. But these areas are not really remote any more. Our social order, with its penchant for progress without plan, would sweep across and civilize untamed America if there were no barriers. There is not a single wilderness area beyond the hopeful eye of builders of dams and roads, of timbermen, miners, cattle grazers, petroleum drillers, real estate developers and tourist promoters. That is why a wilderness preservation system has been proposed to safeguard the lands by legislation instead of solely through administrative regulation.

Certainly all of these commercial interests deserve their proper places. Timber, meat, electric power and other products they furnish are sustenance for a growing nation.

The question this generation must answer in measurement of the future is whether the survival of untamed nature—not small samples, but in appreciable size—deserves the same recognition as the more material wants. Curiously, when development in the wilderness is denied, some other place is found for it. Such is the case in logging the Olympic Peninsula, outside of Olympic National Park, or in building a dam in Utah, outside of Dinosaur National Monument.

Such, too, should be the case in providing for increased recreational demands. "It might be said," wrote Robert Marshall, "that the total amount of pleasure which could be derived from a highway along the Sierra skyline would exceed that which could be gotten from a trail. When one considers, however, that there are millions of miles of highway in the country, many of them exceptionally scenic, and not another area left in which one can travel for several weeks along the crest of a mountain range without encountering the disturbances of civilization, it becomes apparent that, from a national land standpoint, this area would be more valuable as a wilderness."

Its value, to be practical in a practical world, extends beyond the number of wilderness visitors (who have doubled in the past decade and doubtless will double again in the next). Wilderness is water country, wherein snow, rain, and glaciers start their journey from the heights downward into creeks and streams and outward into rivers that ultimately fill the bathtubs, swimming pools, and kitchen sinks of a thousand cities. Wilderness is wildlife country, the refuge of a million game animals to be hunted in season in the national forests, and of a million more to be studied and admired in the national parks.

But perhaps above all wilderness affords the adventure of solitude to bird watchers, botanists, poets, fishermen, canoers and all who believe in exercising their minds and bodies in nature's company. I have tested the expansive primeval land. I have followed the trail through the Bridger wilderness of Wyoming, a barely touched domain of tall timbers and a thousand clear lakes, of massive rock formations almost as large as those in Yosemite Valley, of living glaciers and flowery alpine meadows, and of snowy starkness glittering in the bright summer light high above timberline. The natural stillness is overpowering, the unconquered place a fragment of fierce beauty. Its memory will be with me always.

Such surviving wilderness is no longer an accident of natural history, though it may have started as such, but the result of bold ideas and of strong sentiments held firm by groups like the Sierra Club and Wilderness Society. The future will depend even more on sympathetic appreciation of wilderness, on love of the good land for its own sake and for nourishment of the national soul.

IMPORTS OF CATTLE, BEEF, AND VEAL—RESOLUTION

Mr. CARLSON. Madam President, during the past week I have received from Kansas and from other sections of the United States several letters in regard to the heavy volume of cattle, beef, and veal that is being imported to the United States and is depressing our domestic cattle market. These letters express concern that our negotiators in the Common Market and other trading areas will fail to protect our export market.

The Texas and Southwestern Cattle Raisers Association at its recent quarterly meeting recommended that the Congress of the United States enact Senate bill 557, which should be helpful in this field.

I ask unanimous consent that the resolution adopted by the Texas and Southwestern Cattle Raisers Association be printed in the RECORD, in connection with these remarks.

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

Whereas there is an ever increasing volume of cattle, beef, and veal being imported into the United States, and

Whereas this heavy volume of cattle, beef, and veal being imported is a factor in depressing the domestic cattle, beef, and veal market: Therefore be it

Resolved, That the Texas and Southwestern Cattle Raisers Association at its second quarterly directors' meeting held at Victoria, Tex., on June 22, 1963, recommends that the Congress of the United States enact Senate bill 557; and be it further

Resolved, That the secretary-general-manager be instructed to forward a copy of this resolution to the President of the United States, the chairman and members of the Senate Finance Committee, to the chairman and members of the House Ways and Means Committee, and to the Tariff Commission.

RURAL ELECTRIFICATION

Mr. McGEE. Madam President, as a representative of a State where the houses are often few and far between I am second to none in my admiration for the work of the Rural Electrification Administration in bringing the conveniences of modern life to our isolated farms and ranches.

An interesting discussion on just how the benefits of the REA spread and multiply occurred June 25 on the Arthur Godfrey Time radio program. Mr. Godfrey's guest was Tennessee Humorist Rufus Jarman. This discussion was particularly interesting to me because it centers around the State of Wyoming where Mr. Godfrey was a recent guest.

Madam President, I ask unanimous consent that a transcript of that discussion on REA be printed in the RECORD.

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

STORY TOLD OF MAN IMPEDING RURAL ELECTRIFICATION PROGRESS

Arthur Godfrey's guest is Rufus Jarman, Tennessee humorist.

Mr. Jarman: "Current River reminds me of * * *."

Mr. Godfrey: "This is the name of the river, now?"

Mr. Jarman: "Yeah, it's C-u-r-r-e-n-t, Current. That's right, it's one of the wildest, most beautiful of the rivers in the Ozarks."

Mr. Godfrey: "And what does it remind you of, before I rudely interrupted you?"

Mr. Jarman: "It reminds me of some of the individuals that live up in that area, and the one that I was thinking about was a character known as St. Joe.

"The REA, the Rural Electrification Administration, brought their electrical lines into that area several years ago for the first time. The people were going to have electric lights instead of lamp lights. And they came across St. Joe's property, and he said he didn't believe in electricity. So he just got an ax and cut down the poles of the REA, and all those lines entwined, and great sheets of flame lit the night. All of this electricity got loose, and the lights went out all over southeast Missouri because this man—you know, he seen his duty, and he done it."

Mr. Godfrey: "I see. [Laughter.] I'd like to—I beg your pardon?"

Mr. Jarman: "I don't think it made much sense, but I do admire his individuality."

Mr. Godfrey: "Yes. I'd like to say a few words about REA but it comes time right now to say a few words in re the CBS Radio Network."

* * * * *

Mr. Godfrey: "Let me talk to you a little bit about REA. What a blessing that has been to our folks in the country. In Wyoming, for example, there's a little town called Kelly, population eight.

"And our dear friends, my new dear friends, my newest friends—I just love this couple—Everett Luten and his lovely wife, Elaine, they are licensed guides for Jackson Hole country, both his wife and himself. They're both licensed guides, go out on pack trips for fishing and hunting.

"And they have a lovely log cabin built way up on the side of one of the mountains there. And I went in this log cabin of theirs, and there was a washer in the room, and it was drying. It had reached the drying cycle. And I went to the bathroom, and there was water so hot it burned my fingers. And there was—there were refrigerators and deep freezes, and electric fans, room air conditioners, and electric trains for the kids—in this log cabin in the mountains in the wilderness.

"How come? REA, rural electric. What a marvelous thing this electricity has done for those rural areas, huh?"

Mr. Jarman: "And not only does it furnish people with light and with various conveniences you mentioned, but it sort of does something for their spirits, you know. People start painting the houses, and they begin to take pride in things. And the fences look better, and the pastures look better.

"But I was quite interested—several years ago they had a contest in different country communities. People would write themes about the benefits of electricity and indoor plumbing, such as the advantages of indoor plumbing and a—and a college education."

Mr. Godfrey: "All handed in."

Mr. Jarman: "That's right, and whoever won in that particular community would be given a bathroom and all of the fittings. Then all of the neighbors would begin to look at this modern innovation, and they'd put in bathrooms and indoor plumbing at their own expense, so that there are areas down in the country now that 15 years ago, I'll bet you there's people that hardly ever seen an indoor bathroom; now 90 percent of the homes have them.

"Of course, this is destroying one of the greatest sources of humor."

THE INTERSTATE HIGHWAY SYSTEM

Mr. LAUSCHE. Madam President, the Ohio State (AAA) Automobile Association expressed to me its fear that the program proposed by the National Capital Transportation Agency, if successful, will result in a cutback in the building of key portions of the Interstate Highway System in Washington, D.C., and ultimately will have a similar impact upon other metropolitan areas in the Nation.

The Ohio State (AAA) Automobile Association through its officers stated among other things as follows:

This association, representing the AAA Automobile Clubs in Ohio is seriously concerned about the threatened cutback in the

building of key portions of the Interstate Highway System in the Washington, D.C., area.

This is particularly so due to the statement by the National Capital Transportation Agency that they want Washington, D.C., to be considered as a model for the 212 other metropolitan areas in the United States.

You can play a vital roll not only in protecting the Interstate Highway program in the District of Columbia area but also in the various metropolitan areas in Ohio. The National Capital Transportation Agency's program of a rail rapid transit system in the District of Columbia, at a loss of 74 miles of freeways and parkways in the area, would not only tend to stagnate the development of Washington, but, if followed as a pattern in other metropolitan areas, would adversely affect every major city in Ohio.

This association, representing the private passenger car owners, has no quarrel with the mass transit interests but does not believe the elimination or reduction of freeways and parkways into our metropolitan areas solves our present day highway problems.

A statement made recently before the Mississippi Valley Conference of State Highway Departments sums up our thinking rather well.

"No type of public transit service can substitute for needed urban freeways. By the same token, urban freeways cannot overcome the need for some large cities to develop new rapid-transit services. The two systems perform different functions. They are complementary, not competitive."

We sincerely urge that you as a Representative of the State of Ohio use your good offices to prevent any slowdown or elimination of needed and planned freeways to serve the motoring public in the District of Columbia. We believe this Washington experiment is a matter of concern to the passenger car owners not only in Ohio but the entire country.

Much of the rapid growth of our Nation in the past 20 or 30 years has been due to the mobility of the American people and their inherent right to use whatever form of transportation that best meets their needs and desires. It should be kept in mind that all the costs for the Interstate Highway System come from highway user taxes and are not a drain on the general revenue fund.

Mr. LAUSCHE. Madam President, the position taken by the association is sound.

The proposal of the National Capital Transportation Agency is fraught with dangers and, therefore, ought to be rejected.

LABOR VETERAN WARNS UNIONS MUST CHANGE ECONOMIC VIEWS

Mr. MUNDT. Madam President, some weeks ago I called to the attention of the Senate a book written by Maurice R. Franks, entitled "What's Wrong With Our Labor Unions?" At that time I pointed out that Maurice Franks, a former member of a labor union, had done an excellent analysis in his book of the problems confronting our labor unions today.

On June 26, 1963, Walter Trohan, chief of Chicago Tribune's Washington bureau, in his "Report From Washington," devoted his entire column to this publication. I ask unanimous consent to have the column printed in the RECORD at this point and I commend it to my colleagues for their must reading.

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

LABOR VETERAN WARNS UNIONS MUST CHANGE ECONOMIC VIEWS

(By Walter Trohan)

WASHINGTON, June 25.—When a product of the American labor movement sits down dispassionately to consider its faults and propose solutions, that's news. This has been done by Maurice R. Franks, who spent more than a quarter of a century as a union organizer, committeeman, delegate, business agent, and editor, in his book, "What's Wrong With Our Labor Unions" which is published by Bobbs Merrill at $5.

It is difficult to approach the labor problem without bias, because the words prolabor or antilabor are hurled freely. This has resulted from the fact that so many writers have set out to be for or against labor and have hidden their heads to faults on both sides. Franks is not interested in muckraking but in solutions.

His chief target is the labor trust, which he finds as threatening to the American way of life and to the working man as the trusts of the robber barons of the past. He faces up to the problems of labor czars, compulsory unionism, the dependence on dictated strikes for survival and the discouragement of individual enterprise and initiative as the ways to get ahead.

The examination of faults is interesting, but more so is his conclusion in a chapter entitled "Mice and Men." In this he notes that security to a mouse means nibbling away at a cheese as long as a crumb remains, which is too much the attitude of labor leaders in a time which calls for real men, who would reinvest a substantial portion of today's return in the machinery for tomorrow's production. He observes that our Founding Fathers were not mice who were interested in what they could consume, but men who were on fire to create.

FRIENDS, NOT ENEMIES, OUR MAJOR COMPETITORS

There is too much in "getting mine while the getting's good," and too little in continuing opportunities, Franks finds. He concedes it is barely possible that the Soviet Union will somehow master its own economic incompetence to the point of offering enough serious competition to "bury" us, as Nikita S. Khrushchev promised, but he doubts this because Russia is committed to the clumsy economics of socialism.

"Actually, the tightening ring of foreign competition that offers the gravest threat to the American economy today is composed not of our spiritual enemies but of her friends," Franks says. "The cold fact is, our stiffest competition emanates from nations we have spent billions of dollars to put back on their economic feet and otherwise befriend."

To come out ahead of the Common Market countries and Japan, Franks says, the United States must have plants and facilities, machines and systems, far superior in efficiency to any now on hand in this country. He says that the purpose of machines is not to lighten the work of labor so much as to produce more, and lower prices, insisting that the mouselike impulse to devour all gains must be restrained and tomorrow be left to take care of itself. He urges use of top efficiency to lower competitive prices.

MACHINERY CAN'T CARRY LABOR'S BURDEN, TOO

Franks holds that we cannot afford to idle our machinery by indulging in strikes against its efficiency and the revised work rules that efficiency imposes. Franks says we cannot think—as labor czars are now thinking—in terms of a shorter work week at a full week's wages, expecting machinery to pay for the difference.

"The labor laws of State and Nation must be adjusted to break, not to further favor, the manpower and job monopolies of modern union leadership," Franks says. "It is important that our legislative committees find out what's wrong with the basic philosophy and economic policies of our labor unions—and with the labor laws that certify wrong leadership. The time for partisan politics has passed. The time for one-sided Government intervention has passed.

"It is the duty of every worker to support sober, rather than flamboyant labor leadership—the kind that urges them to get in there and pitch, rather than the kind that says the moon is made of green cheese and will be theirs on a platter just for the taking. It is also the duty of every American to start balancing his books between a mouse-eyed view of security and security based on ambitious, creative manhood—and to let the Congress of the United States know in no uncertain language that the security of the American economy is our chief concern—now and always."

REMAINS OF FAMED CHIEF OF KIOWAS RETURNED TO HOME OF TRIBE

Mr. YARBOROUGH. Madam President, more than 85 years ago Chief Satanta, one of the most famed warrior chiefs in the history of the Kiowa Tribe, met death in Texas while imprisoned by Texas authorities. He had led numerous war parties in Texas and other States. He was the last of the famed warrior chiefs of the Kiowa.

He was buried at Huntsville, Tex. For 85 years his descendants have sought to remove the remains to the Kiowa tribal burial grounds in Oklahoma. Now the State of Texas has given its consent to "Looks-Into-the-Lodge-of-the-Ute," James Auchiah, grandson of Chief Satanta, and who has with proper Kiowa ceremonial, exhumed the remains and carried them to Fort Sill, Okla., for reburial.

With this removal, the last chapter has been written in one of the best known incidents of border warfare in the Southwest, an incident that included a Kiowa raid into Texas under Chiefs Satanta, Satank, and Big Tree, an attack and destruction of a wagon train, a threat to the safe passage of Gen. William T. Sherman, the seizure of Chiefs Satanta, Satank, and Big Tree in Indian territory by the U.S. Army, and their trial for murder in a Texas State civilian court in Jacksboro.

The Kiowas, who lived in Montana in the early 18th century, moved southeastward into Texas, Oklahoma, and Kansas before the end of that century, perhaps to be near the Spanish horse supply. The Kiowa, with the Comanches, with whom they were allied, became the most adept and famed horsemen of the Plains. They rose to this height of their fame, power, and riches in the 19th century. With their allies, the Comanches, they were called "Lords of the South Plains" but with the close of the Civil War, the building of the transcontinental railroads, the fast opening of the West, and the passing of the buffalo, the Kiowa-Comanche hegemony of the South Plains collapsed. Chief Satanta was a bitter

fighter against the containment of his people on reservations. He fought for the wild, free mobile life on horseback of the plains Indian, and when that life passed away forever, Chief Satanta chose to die.

It is appropriate that his bones go to rest among those of his tribe. I commend his grandson, James Auchiah, for keeping up his fight until he won the right to see his grandfather, Chief Satanta, given an honorable burial.

Madam President, I ask unanimous consent that the very fine description of the return of Chief Satanta's remains to Oklahoma as written by Mike Clark and printed in the Houston Post on Saturday, June 29, 1963, under the title, "Kiowa Chieftain Gets New Grave" be printed in the RECORD.

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

OKLAHOMA-BOUND KIOWA CHIEFTAIN GETS NEW GRAVE

(By Mike Clark)

HUNTSVILLE.—A number of pebble-sized chunks of bone and a few handmade nails, dug from a convict's grave at "Peckerwood Hill," the Texas prison system cemetery here, Friday, were on their way to Oklahoma and a revered resting place among the Kiowa Indians.

The remains were those of the great Kiowa Chief Satanta, the "White Bear," whose very name meant terror to early settlers on the Texas plains and to the famed U.S. Army generals, George Custer and Philip Sheridan.

Nine white-uniformed prisoners unearthed the remains Friday morning after a short ceremony of "smoking the grave" by Satanta's grandson, "Looks-into-the-Lodge-of-the Ute," better known as James Auchiah, 57, a Kiowa clan leader from Carnegie, Okla.

Satanta's remains will be reburied in the post cemetery at Fort Sill, Okla., where he, at long last, will have returned to his people.

Auchiah, and his father before him, had tried for years to have the remains of the great chief returned to the land of the Kiowa. Auchiah's father was the third, and youngest, son of Satanta.

During the ceremony at the foot of the grave, Auchiah, dressed in full regalia, complete with the treaty medal his grandfather received at the Medicine Bow Treaty signing, lit a small fire in keeping with the Kiowa tradition of sending the spirit of the dead warrior to his homeland.

He also sprinkled a bit of dirt from the Oklahoma reservation over the grave while intoning a Kiowa prayer.

Tears filled his eyes at the thought that at last his years of effort had paid off. The way was cleared for the disinterment with the passage of a House resolution introduced by Representative Satterwhite, of Ennis, and passed during the 58th session of the Texas Legislature.

Auchiah, who lives with about 2,000 of his tribesmen in Oklahoma and who is a civilian employee of the Fort Sill post, was accompanied here by Gillett Griswold, the director of the museum at the Army post.

"I am satisfied that we have unearthed fragments of human bone," Griswold said after looking at the contents of a plastic bag containing the diggings from the grave. There had been some doubt that anything would be found since Satanta was buried in the sandy soil—apart from other convicts—in 1878.

Satanta was sentenced to death by hanging at a trial in Jack County in 1871 for leading more than 100 Kiowa warriors in an attack on a wagon train—the Salt Creek Massacre—in which 7 teamsters were killed and scalped.

He was arrested, along with two other tribal chiefs, Satank and Big Tree, by Gen. William Tecumseh Sherman and transported back to Jack County to stand trial. During the trip, Satank, chanting the Kiowa death song, attacked a guard and was killed.

Although Big Tree and Satanta were sentenced to death, their sentences were commuted to life imprisonment by Gov. Edmund Davis because he feared mass reprisal by the combined Comanche, Cheyenne, Arapaho, Apache, and Kiowa Tribes.

He was soon paroled to his tribe, but returned to prison in 1874 as a parole violator. Four years later, after saying that he could no longer stand "to wither and die like a dog in chains," he cut the arteries in his legs in a death attempt.

Guards discovered the suicide attempt and took him to the prison hospital where the bleeding was stopped. But Satanta did not give up.

At a moment when he was not being guarded closely, he jumped to his death from a second floor window of the hospital.

The body of the chief was unceremoniously buried in the prison cemetery, and his grave for decades was unmarked and unkept.

Within the last 2 years, however, Joe Byrd, 75, an assistant warden with the Texas Department of Corrections and self-styled caretaker of Peckerwood Hill, erected an iron-pipe railing around the isolated grave and installed a tombstone on which the chief's name was misspelled as Santana. The fault, however, was not Byrd's, but of prison records which in the 1870's were not too accurate.

Satanta's remains will be buried soon after their arrival in Oklahoma, Auchiah said, in a ceremony by the Kiowa people, will be held to honor the spirit of the chief on about September 14.

Auchiah's father, he said, began an attempt to have the body returned to the Oklahoma reservation soon after Satanta's death.

"This is a great day for the Kiowa," Auchiah said Friday.

"If we had been aware of the importance of this to the Kiowa, this would have been done a long time ago," said Dr. George Beto, director of the Texas Department of Corrections.

CIVIL RIGHTS LEGISLATION AND THE REPUBLICAN PARTY

Mr. SCOTT. Madam President, I am becoming increasingly concerned over reports and speculation that the Republican Party is moving toward an anti-civil rights strategy. This is just simply not true.

Yet, an article by two distinguished New York Herald Tribune writers, Rowland Evans, and Robert Novak this past Tuesday quotes an unnamed Republican as forecasting that "we are well on the road to becoming the white supremacy party and there is no turning back."

Other unnamed Republicans are reported as desiring to "establish the party of Lincoln as the white man's party."

This is sheer nonsense. I do not know of one responsible Republican leader who is not morally committed to the fundamental principle of equal rights for all Americans, regardless of race. Such differences as exist are merely those of means to achieve this goal.

This cannot be said of the Democratic Party.

Here in the Senate, for example, we have 67 Democrats—the precise number needed to effect cloture. Yet the very need for cloture in any civil rights debate can only arise from the delaying tactics of a substantial number of those Democrats and not at all because of any Republican action.

The Republican platform of 1960 is more specific, more detailed, and more emphatic in its commitments to civil rights than is the Democratic platform.

In keeping with the promises in the Republican platform, the Republican leader in the Senate is cosponsoring with the Democratic leader all of the President's requests which Republicans pledged to support. This bipartisan approach covers six of the seven major actions requested by the President. The seventh, not covered in either platform in the form submitted by the President is the "equality in public accommodations," proposal. While not binding as a party pledge, I support this feature also—with the revisions suggested by the Attorney General. Many other Republican Senators will also support it. I believe that the Republican Senators on the committee to which it has been referred will not make themselves party to any tactics of delay.

In further refutation of the unwarranted implication that Republicans are seeking to capitalize on racial tensions, let anyone who makes such charge cite a single Republican Governor who would give aid and comfort to this ridiculous charge. All Republican Governors are clearly on the record against racial discrimination of any sort.

Can the same be said of all Democratic Governors?

When speculation arises about the course to be taken by the Republican Party, there also seems to be a serious omission about those of us who have for years and do now support further civil rights legislation.

In the past Congress, for instance, I sponsored 32 civil rights bills. This year I sponsored 16 such bills—including the famous part 3, or title 3. I am a cosponsor of the President's recent proposals.

Indeed, I have introduced more bills on civil rights than on any other single subject.

It is a moral issue, and it requires a moral commitment. I made that commitment long ago.

It is also a practical issue. I have long felt that our Nation cannot possibly realize its ultimate potential divided as it is from within.

It is time, I believe, to stop the speculation, the rumors, and get back to the facts; get on with the unfinished business of Abraham Lincoln, the founder of the Republican Party.

THE YOUTH CONSERVATION CORPS

Mr. HART. Madam President, there are few areas that clamor for our attention as does the problem of our unemployed and out-of-school youth.

An editorial in the Detroit News of June 10, 1963, suggests that the Youth Conservation Corps could make a contribution in this picture. I ask unanimous consent that the editorial be inserted in the CONGRESSIONAL RECORD at this point, and I hope that this bill, which the Senate has passed, will be sent to the President for signature before the summer is over.

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

YOUTH CONSERVATION CORPS: IT MIGHT BE A HELP

Teenage unemployment could become "one of the most explosive social problems in the Nation's history," warns Labor Secretary Wirtz. The jobless rate among youth under 20 rose 18 percent in May, to the highest point since the Government started keeping track 14 years ago.

Perhaps Mr. Wirtz, like most other specialists, tends to see his problems writ larger than their real place in the scheme of things. Yet if this be exaggeration, it is not far off the mark. Prolonged and chronic unemployment, with its cancerous effect on morale and attitudes—not to mention material well-being—is corrosive enough for anyone; it is particularly blighting on youth, at what should be the threshold of an adult work career.

Teenagers are 9 percent of the labor force, 20 percent of the unemployed. And the big bulge is yet to come: The "war babies" are coming into the labor market. A record 26 million new young people will enter the labor force in this decade; 19.5 million of them will not go to college. (The total new entries in the fifties was only 19 million.)

As many as 7.5 million of the new jobseekers in the sixties will have failed to graduate from high school; 2½ million will not have completed the eighth grade. Among these will be found the bulk of the youth unemployment problem, for the supply of unskilled jobs they can hope to fill continues to slacken.

For Negro youth the problem is compounded. Incentive to stay in school sags when a substantial proportion even of those who finish high school cannot find work.

There is no lack of proposed remedies, but many sound better in prospectus than they prove to be in practice. Vocational education is often assumed to be the answer. But its old image as the "dumping ground" for slow kids doesn't fit.

Many of the occupations involved have requirements little if any less stringent than other high school courses; some even more so. And the same factors which move kids to quit academic high school work—low achievement, poor socio-economic status and its attendant attitudes—operate in vocational students as well.

There is room for improvement in vocational education, for fitting it better to meet the needs of the youth involved, for expansion of cooperative work-study programs which mesh job experience with the school studies needed to flesh out job training and provide general education essentials.

Yet many of the disaffected, the potential dropouts, will remain so, for the factors which make them so will continue. Job placement efforts will help some, but experience indicates it may be a disappointingly small percentage. In one New York program, it took 12,000 contacts with employers to place 1,200 of a mere 3,959 who registered. Three months later, 72 percent of the boys and 59 percent of the girls placed were no longer on the job.

A Washington, D.C., job counselor with like experience notes that lack of skill is hardly the only problem: "If these youths could have had a modicum of training in punctuality, perseverance and drive before I got them, the number * * * still on the job would be much greater."

It is here perhaps, that proposals for a "youth conservation corps," modeled on the old CCC, might help. Opponents argue that planting trees in national parks is poor preparation for a return to city life, but if the program did no more than get boys off the street corners at a critical age and instill some sense of work habits and self-discipline, it might be well worth the cost and the effort.

NEW REFUGEE PROBLEMS

Mr. HART. Madam President, the enormity of the world refugee problem in these times of pressing problems sometimes escapes our notice. The U.S. Committee for Refugees has again reminded us of this growing world tragedy. The "World Refugee Report" of this dedicated committee tells us that in the 9 months since August 1962, almost 700,000 persons have been added to the world refugee total. The U.S. Committee for Refugees should be commended for their report and their continuing work and cooperative efforts in this field. The report would most certainly be informative to all. I ask, therefore, to have printed in the RECORD at this point the "World Refugee Report" of the U.S. Committee for Refugees.

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

U.S. COMMITTEES FOR REFUGEES—WORLD REFUGEE REPORT

1. INTRODUCTION

Although new refugee problems have arisen in the 19 months since USCR's first annual audit—and some older ones have been aggravated—it is still true, as was stated in our second annual audit covering the period July 1, 1961, through June 30, 1962, that for the first time in many years there has been an overall decline in the world total of homeless people. But the events of the past 9 months have cut drastically the margin of that decline. What follows is basically a revised reprinting, in response to demand, of that second audit. Revision reveals that while the total refugee population remains below the 15,181,000 figure of June 30, 1961, it stands now almost 700,000 above the 12,811,816 figure for June 30, 1962.

The decline recorded in the audit of June 30, 1962, was accounted for largely by the Indian Government's announcement that the last of the millions of refugees from Pakistan now were almost completely resettled, and by the mass repatriation—the single great repatriation movement since the days just after the Second World War—of more than 250,000 refugees to Algeria from Tunisia and Morocco.

The increase over the past 9 months is due in great part to the mass exodus of Europeans from Algeria. New refugee situations have developed, too, in Africa south of the Sahara, in Asia, in Europe, and in the United States of America, where the problem of resettling Cuban refugees away from Miami continues critical.

To these entries on the debit side of the ledger must be added the return by force to Communist China of approximately 60,000 refugees who, in May of this year, fled to the British Crown Colony of Hong Kong. While there was general recognition of the many complexities underlying this tragedy, including the inability of the colony to absorb additional refugees in such numbers, the incident produced an almost universal sense of shock and guilt throughout the nations of the free world which resulted in decisions by several countries, including the United States, to accept at least token numbers of refugees from Hong Kong.

Another refugee torrent was almost dried up at its source when East Germany, on August 19, 1961, erected the Berlin wall. In a 12-month period before the wall, more than 200,000 Germans had crossed to freedom. The wall proved a most effective dam although—by digging tunnels, leaping barriers, swimming rivers and canals—an additional 21,000 have made good their escape. More than 100 died trying. There are now upward of 4 million refugees from the East in the Federal Republic of Germany.

To be placed on the credit side in any evaluation of developments is the legislation signed into law by President Kennedy last June 28, legislation which for the first time—though on a very limited scale—makes permanent provision for the admission or refugees to this country without regard to immigration quotas.

The new law also contains the first formal authorization by Congress for Cuban refugee aid—previously money for this purpose came from the President's emergency funds. It provides for continued U.S. participation in the programs of the Intergovernmental Committee for European Migration (ICEM), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Relief and Works Agency (UNRWA). Under its terms the President may spend up to $10 million a year of foreign aid contingency funds for refugee and migration emergencies.

On balance, then, some progress. But new refugee emergencies prove once more, if proof be needed, that our century is indeed the age of the uprooted.

2. REFUGEE SITUATIONS THROUGHOUT THE WORLD

(a) New refugee flights: Two of the categories of refugees with which this report must be concerned did not exist when USCR published its first annual audit—approximately 150,000 Africans, mostly members of the giant Watutsi Tribe, who fled into neighboring states from Ruanda and European fugitives from Algeria who have taken refuge in France.

There is a special irony in this flight of Europeans from Algeria, a flight which has reached a total of 750,000. This far exceeds in numbers the more than 250,000 Algerians repatriated to their homeland from Tunisia and Morocco at the end of the 7-year war. Also, many of the 180,000 Jewish refugees now in France came from Algeria as well as from Tunisia, Morocco, and Egypt.

France is traditionally hospitable to refugees and the Europeans from Algeria, however different in background and outlook, are national refugees in that they may claim French citizenship. Nevertheless, the sudden and unexpected influx produced a crisis situation. Like most refugees, the newcomers had left everything behind them; they needed food, clothes, housing, jobs. The Government set up a repatriation secretariat, allocated in $40 million, and instituted assistance grants. Private sources stepped in to help. The Red Cross, civil organizations, and veterans' groups established aid programs and the Catholic Church asked each of its parishes throughout France to provide three rooms, rent free, for 1 year to refugees.

There are degrees of misery among refugees. Those who escape from East Germany, for example, are infinitely better off than are the Tibetans who cross the Himalayas into Nepal. They are, in fact, as are the fugitives from Algeria to that other pathetic legion of new refugees, the Watutsi and Bahutu tribespeople who fled from Ruanda into the Congo, Uganda, Burundi, and Tanganyika to meet starvation and disease.

The Watutsi are a Hamitic tribe, a very tall people whose kings (Mwami) ruled

Ruanda for four centuries but were deposed in the struggle which preceded independence. Of 150,000 refugees, about half went to the Congolese Province of Kivu, the remainder scattered to Uganda, Burundi, and Tanganyika.

Most tragic was the fate of the 15,000 who found themselves at Senge, in the unhealthy Ruzizi Valley region of Kivu Province. There starvation, malaria, and polluted water caused at least 300 deaths in a few weeks. A high rate of mortality among all Ruanda refugees has not yet been checked, primarily because they are so widely dispersed. But relief programs which began slowly now are fully operative, afford a splendid example of cooperation among governments and voluntary agencies.

The program for relief and resettlement of refugees in Kivu Province was worked out in agreement with Congolese authorities. The United Nations High Commissioner for Refugees allocated $30,000 for the purchase of trucks and earmarked $40,000 for other needs. The League of Red Cross Societies undertook to coordinate the activities of voluntary agencies and allocated $13,000 for expenses. Food, blankets, and medicines were airlifted by the United Nations Congo Command, which further agreed to provide food for refugees newly resettled until harvest time. UNICEF provided tools, seeds, vitamins, 40 tons of milk monthly (about half of the Ruanda refugees are children).

An operation to resettle refugees from the Ruzizi Valley to the Lemera Mountains has been financed by the Oxford Famine Relief and is being carried out jointly by protestant Norwegian and Swedish missions. A third resettlement project involving some 17,000 refugees is being financed by Caritas Congo and will be implemented by the Dominican mission at Bukavu. Caritas also is financing a project of the Catholic mission at Goma for the relief and resettlement of 25,000 refugees concentrated in the north of Kivu.

Among the areas chosen for relocation of Ruanda refugees is Bibwe, a mountainous forest area where conditions for resettlement are excellent. Last autumn 2,000 Watutsi reached this region on their own and—with the help of a Trappist monk of Watutsi origin—cleared ground, built huts, planted crops. Fifty died from hunger, but the settlement was established. Now, under the technical direction of government experts, schools have been built as well as reception centers for additional refugees.

(b) Other developments: A dramatic development in 1962 was the repatriation to Algeria of approximately 260,000 refugees from Tunisia and Morocco. The operation, which began on May 8 when a first small contingent crossed into western Algeria near the Moroccan frontier city of Ouidja, was substantially completed by the end of June. In that less than 2-month period some 175,000 were returned to their homeland from Morocco and 85,000 from Tunisia.

The repatriation was accomplished under the control of a tripartite commission made up of representatives of the French Government, the Provisional Executive of Algeria, and the Office of the United Nations High Commissioner for Refugees. It established two subcommissions, one in Tunisia and one in Morocco and set up 10 border control posts for which the League of Red Cross Societies provided medical teams. The Algerian authorities were responsible for the reception of the refugees, transport within Algeria and resettlement.

On the whole, the operation went smoothly. Inevitably, there were some hitches, including a week's delay in the return of 20,000 from Morocco waiting permission to move their 30,000 animals, including a thousand camels, across the frontier. Because the villages to which the refugees will ultimately return have been devastated, the high commissioner issued an appeal to the governments on his executive committee and to voluntary organizations which produced some 20,000 family-size tents.

At first, most of the returning refugees were crowded into already crowded regroupment centers in which several million of their countrymen had been interned during the war. Following the withdrawal of the French, these camps were without medical supplies, nurses or doctors, and inadequately supplied with food. There was also urgent need for clothing, blankets, and other supplies. The league was doing what it could to meet these needs and expected additional help from national Red Cross societies.

Already active in Algeria is the American Friends Service Committee (AFSC), which had worked with the refugees in Tunisia and Morocco and followed them in their repatriation. AFSC, in the vanguard of the voluntary organizations which ultimately will cooperate in the relief effort, has launched an emergency million dollar resettlement program, including reconstruction of rural housing and restoration of land to cultivation.

The dimensions of two previously existing refugee situations increased during the year, that of refugees from Portuguese Angola, in Africa, and of Laotians displaced by the fighting in that Asian country. Only a short while after the League of Red Cross Societies had announced last spring the closing of its Congo relief action on behalf of Angolan refugees, reports from the Congo said that the ranks of the more than 150,000 fugitives already received were being augmented at the rate of more than 200 a day. There was a shortage of medical supplies.

USCR's first annual audit listed 4,000 Laotian refugees from the Pathet Lao as having fled to Cambodia and parts of Laos under non-Communist control. This figure has risen to more than 35,000. The Laotian refugees are being helped by the International Committee of the Red Cross.

In Hong Kong, despite the forcible return to Communist China of about 60,000 fugitives last May and the reinforcement of border barriers, a refugee population of more than 1 million continues to grow. In nearby Macao, where the Portuguese authorities announced that they would not attempt to halt the influx of refugees, a refugee population of some 70,000 was increasing, at the end of June, at the rate of approximately 500 a week. Hong Kong and Macao together now account for an estimated 1,200,000 refugees. Macao has asked the United Nations High Commissioner for Refugees for help under his "good offices" function.

While the situation of Pakistan's 3 million refugees from India remains substantially unchanged, an announcement by the Government of India that virtually all refugees from Pakistan now have been integrated canceled a 3 million figure carried in the table appended to the first annual audit. At the time of the partition of the Indian subcontinent 14½ years ago refugees from Pakistan in India totaled 9 million.

With training and resettlement programs for approximately 54,000 Tibetan refugees in India well established and their minimum needs assured, the need for emergency help has shifted to Nepal, where approximately 20,000 Tibetans are destitute and often—particularly in the remote mountain valleys—near starvation. The League of Red Cross Societies is active in this area, as is an international committee in Kathmandu, the Nepalese capital. There are also about 5,000 Tibetan refugees in Sikkim and Bhutan.

In the Middle East, 1 million Arab refugees from Palestine in the care of the United Nations Relief and Works Agency continue to wait, as they have for almost 14 years, for a political solution to their problem. Meanwhile, however the expanded program of vocational training launched in 1960 by UNRWA's Commissioner-General has brought new hope to thousands of young refugees.

Europe's old refugee problems are closer to a final solution. There are now only about 9,000 refugees under the mandate of the United Nations High Commissioner remaining in camps, some 70,000 outside of camp. During 1960 a thousand handicapped refugees and dependents were resettled. Also in Europe, in addition to the new refugees from Algeria, some 4 million escapees from East Germany, Belgian refugees from the Congo, Dutch refugees from Indonesia not yet resettled, and, in France, about 30,000 Spanish Republican refugees. There are also some hundreds of Spanish refugees in North Africa who, their precarious existence made even less secure by the political upheavals in that region, seek a way to Europe.

There remain approximately 250,000 Chinese refugees scattered throughout southeast Asia, 50,000 of them in North Burma alone, who are either fugitives from communism or victims of changed policies in the countries of their former residence. Also remaining are various small pockets of refugees—in Turkey, 1,000 Russians; in Iran, 5,000 of Turkic stock from across the Soviet frontiers; in mainland China, 2,500 Europeans.

The exodus of refugees from Cuba continued throughout the past year. There are now approximately 200,000 of these fugitives from the Castro regime. Most of them, about 160,000, are in the United States, for the first time in its history a refugee haven of "first asylum." Of the remainder, some 5,000 are in Spain and the rest in various countries of Latin America.

Cuban refugees in this country are still concentrated in Miami, Fla., and its environs. Miami's refugee population numbers more than 100,000. Despite intensive efforts by the Government and voluntary agencies, fewer than 60,000 have been resettled in other parts of the country. The rate of relocation stands at less than 600 a week. More than 10,000 unaccompanied children have come to the United States since the beginning of 1961.

Early in 1962 the four voluntary agencies working at the Miami Refugee Emergency Center inaugurated a program of charter airplane flights to cities willing to accept them, a program in which USCR cooperated. The Department of Health, Education, and Welfare, responsible for the Government's program of assistance to Cuban refugees, hoped that it will be possible to increase relocations to 2,000 a week. Refugees willing to resettle receive transportation, cash grants, and assurance of relief on the same basis as in Miami should that become necessary.

3. WORK OF THE INTERNATIONAL AGENCIES

(a) Intergovernmental Committee for European Migration (ICEM): ICEM, an international organization of 29 member governments of which the United States is one, has as its major task the transportation of refugees and migrants to their countries of resettlement.

Since it began its operations on February 1, 1952, ICEM, as of February 28, 1963, has resettled 534,206 refugees, 513,492 from Europe, the remaining 20,714 from the Far East. During 1962 a total of 29,694 were resettled, 27,694 from Europe, 1,849 from the Far East. ICEM estimates that it will move 32,730 refugees in 1963, 31,230 from Europe, 1,500 from the Far East.

All refugees transported by ICEM are either within the mandate of the United Nations High Commissioner for Refugees or come under his good offices function. ICEM cooperates closely with UNHCR and also with the voluntary agencies active in the areas where it operates. Successive contracts with the U.S. escapee program (USEP) have established ICEM as the movement agency for all refugees eligible for USEP emigration assistance.

The ICEM Council has provided funds for refugees who depart from Europe and for whom emigration represents a solution to their problems. It has further authorized a program for European refugees from China/Hong Kong, as well as a limited program for refugees direct from North Africa. ICEM is studying ways of impoving integation facilities for refugees, particularly in the field of housing, and makes every effort where possible to unite families.

ICEM's activities in Germany, Austria, Italy, Greece, and Hong Kong remain substantially the same for 1963 as for 1962. Joint ICEM-voluntary agency plans have been made to transport Cubans now in Spain to other countries. In Belgium, ICEM is assisting both refugees from Africa and migrants to emigrate to Australia and Latin America. The ICEM Council authorized a survey of the situation in North Africa and an experimental program to move 100 families out of that area.

(b) League of Red Cross Societies/International Committee for the Red Cross (ICRC): During 1962 the League of Red Cross Societies carried on an extensive program of aid to Angolan refugees, refugees from Ghana and the Ivory Coast in Togo and Algerian refugees.

Angolans: Under the general supervision and with the assistance, especially in the supply of food and transportation, of the United Nations Organization in the Congo (UNOC), the Congo delegation of the League of Red Cross Societies undertook to coordinate relief in cooperation with Caritas, the Congo Protestant Relief Agency and the Congolese Red Cross. A coordinating committee was established under the direction of the League to insure that refugees in all areas received similar rations and treatment. The League supplied dried fish, palm oil, medicine, blankets, and agricultural implements. Vehicles for transporting relief supplies were made available by UNOC and UNHCR. The League provided the Congolese Red Cross with food, blankets, and soap. It terminated this program in April 1962.

Togo: In conjunction with the UNHCR, the Togolese Red Cross and the Togolese Government, the League agreed to undertake a limited and short-term relief and resettlement program for 5,000 refugees in the Republic of Togo. A plan of resettlement was developed and the U.N. High Commissioner asked the League to operate on his behalf a feeding program while simultaneously supervising resettlement. A basic food ration was established, a registration of refugees was made, seeds and farm tools were supplied those refugees resettled on farmland.

Algerians: At the request of the UNHCR the League continued its relief operation for Algerian refugees during their repatriation and resettlement. League medical teams were set up at border crossing points to check the health of the refugees, who were fed and sheltered at each checkpoint during the 24-hour wait to cross into Algeria. Each family was supplied with food rations for the journey back and will continue to receive food assistance at their destinations until they become self-sustaining. Tent shelters will temporarily replace homes that have been destroyed or are uninhabitable. The approximately 20,000 family-size tents, distributed by the League, were made available by 11 national Red Cross societies and by governments. Through arrangements with the American Red Cross, the U.S. Government donated and shipped 10,000 tents. The U.S. Government also contributed, through the American Red Cross, large quantities of food.

The International Committee of the Red Cross (ICRC) has been the main source of aid to Tibetan refugees in Nepal. Working with the Nepal International Refugee Relief Committee and a few private organizations, ICRC has provided medicines, medical aid, food, clothing, and shelter. A handicraft center has been established. Red Cross funds have been provided for emergencies and for a resettlement project at Dhor Ptan in West Nepal.

(c) United Nations High Commissioner for Regugees (UNHCR): The UNHCR, an agency of the United Nations established in 1951 to promote, organize, and supervise international action on behalf of refugees, in 1961 firmly settled 12,155 refugees in Europe, a 60-percent increase over the 1960 figure of 7,658. Completion of housing projects in Germany accounted for 4,574 of those settled. Of the total, about 6,800 were living out-of-camps. At present there are still 70,000 out-of-camp refugees and 9,000 in camps. Completion of this project is scheduled for 1963.

At the end of March 1963, after 11 years of the joint UNHCR/ICEM Far Eastern operation, 2,500 Europeans still remained in China. The High Commissioner has appealed to governments to make a special effort to grant visas.

High Commissioner Felix Schnyder accepted an invitation to become a member of the Tripartite Commission established for the repatriation of Algerian refugees, the other members being the representatives of the French Government and of the Algerian Provisional Authority. The High Commissioner, with the help of the League of Red Cross Societies, provided material aid to the authorities engaged in the work of repatriation and resettlement and used his good offices to secure for the Algerian authorities the material aid required.

The High Commissioner has also used his good offices to initiate action on behalf of refugees from Angola, refugees in Togo, where he appointed a Charge de Mission who assumed his duties in May, refugees from Ruanda in Tanganyika, Uganda, and Burundi, refugees in the Kivu Province of the Congo (Léopoldville), and Chinese refugees in Macao.

(d) United Nations Relief and Works Agency (UNRWA): UNRWA is an Agency of the United Nations, supported by the voluntary contributions of member governments, whose purpose is to provide food, health services, education, shelter, and vocational training to approximately 1 million Arab refugees from Palestine. The Agency presently is concentrating upon development of an expanded vocational training program so that young refugees—some 30,000 reach maturity every year—may realize their potentialities and be equipped to earn a living. A four-point, 3-year plan has been adopted with the following aims: to expand vocational training to the point where UNRWA can turn out about 2,000 graduates annually; to increase the number of university scholarships granted from 90 to 180 annually; to improve the Agency's basic education program and to continue a modest loan-grant program to help qualified refugees put their acquired skills to use in enterprises of their own.

At present UNRWA has nine vocational training centers (seven for boys and two for girls) either in operation or near completion. When all centers are operating at full capacity, 4,200 refugee trainees will be enrolled.

To help pay for their training UNRWA appealed for the contribution from private sources of two thousand $500 scholarships in 1962 and another two thousand in 1963. Each scholarship pays for the training of a student for 1 year. As of May 1962, 1,443 scholarships had either been paid or firmly pledged.

During the past academic year, there was an increase of 48 in the total number of UNRWA university scholarship holders, making a total of 450 scholarship holders since 1960.

The basic education program is expanding and improving. Refugee pupils attending the 397 UNRWA schools, which employ 3,993 teachers, number 142,183. School enrollment has increased by 7,233 in the past year. Facilities have been expanded and 274 new schoolrooms are now being completed.

4. WORK OF THE U.S. GOVERNMENT

(a) Legislation: On June 28, 1962, President Kennedy signed into law the first permanent legislation to admit refugees to the United States without regard to immigration quotas. The bill makes permanent the provisions of Public Law 86–648, passed in 1960, which expired June 30. Its terms permit the entry of one of the refugees under the mandate of the United Nations High Commissioner for Refugees for every four accepted by all other countries in any 1 year. Refugees under the High Commissioners' mandate are mostly Europeans. Admitted on parole, they are subsequently redefined as permanent residents and may become citizens.

The new law also contains the first formal authorization by Congress for help to Cuban refugees in this country. Until its passage, money for relief, resettlement, and education came from the President's emergency funds.

President Kennedy, under the law, is authorized to spend up to $10 million a year from foreign aid contingency funds for use in refugee and migration emergencies.

Finally, the law provides that the administrator of the State Department's Bureau of Security and Consular Affairs, which deals with immigration and passport matters as well as with security, be subject to Senate confirmation.

A bill to revise comprehensively the present immigration quota system has again been introduced in the Senate by Senator PHILIP A. HART, Democrat, of Michigan. With the objective of eliminating national and racial discrimination from the general U.S. immigration statutes, it would do away with the existing national origins quota system and substitute a two-part formula based upon population ratios and the immigration pattern over the past 15 years.

During the period under review the Senate Judiciary Committee's Subcommittee on Refugees and Escapees held three hearings. The first hearings, in 1961, dealt with the total world refugee situation, establishing the need for intensive study and investigation of specific problems as well as of general policies. The second hearings were concerned exclusively with the influx of Cuban refugees into the United States. The subcommittee subsequently made recommendations on the Federal program of assistance, in view of then pending legislation (see above). The third hearings were held in June of 1962 and concentrated upon the emergency in Hong Kong.

Addressing the House on June 27, Representative, Francis E. Walter, Democrat, of Pennsylvania, a coauthor of the Immigration and Nationality Act, the so-called Walter-McCarran Act, said that after 10 years the time had come for an analysis in depth of refugee problems and that hearings to this end would be undertaken by the Immigration Subcommittee of the House Committee on the Judiciary, of which he is chairman.

(b) The Cubans: Federal expenditures for Cuban refugees have pyramided. In the first half of 1961 they were $5 million. They were $14 million in the second half of that year and $22 million for the first half of 1962. The estimate of expenditures for the fiscal year ending June 30, 1963, is $46 million.

(c) Government activities: The U.S. Government has continued to play a leading role in promoting the solution of refugee problems and, thereby, contributing to the establishment of freedom for individuals and institutions, political stability and world peace. Through their government, the American

people have contributed during this period approximately $80 million for refugee assistance.

The U.S. Escapee Program has registered some 8,000 escapees during the year 1961–62 and has assisted approximately 12,000 other escapees in reestablishing themselves. In the Far East, the efforts of the Far East Refugee Program of USEP, complementary to and coordinated with programs carried on by the Hong Kong Government, have been to provide services and assistance programs for thousands of Chinese refugees. Upward of 6,000 Hong Kong refugees, drawn from some 20,000 who have already been cleared for admission and have been awaiting a quota number are being admitted to this country under the emergency "parole" provisions of the Immigration Act. Government assistance was also provided, in cooperation with the International Committee of the Red Cross, to the Tibetan refugees in India and Nepal.

The United Nations High Commissioner for Refugees has received continued support from the United States both for the regular UNHCR program and the large-scale relief operations in Algeria. Other activities of the UNHCR of concern to the United States include assistance for Chinese refugees in Hong Kong, Tibetan refugees in India and Nepal, and refugee problems in different areas of Africa.

The Intergovernmental Committee for European Migration, of which the United States has been a member since its inception in 1951, arranged transportation and supplementary services for 87,167 refugees in 1961. The needs of the Latin American countries for emigrants and refugees with pertinent skills and training continued to receive priority attention.

The U.S. contribution to the United Nations Relief and Works Agency for Palestine refugees for 1961–62 was $18 million in cash and $6,700,000 in food.

Surplus foods contributed by the United States are now being distributed to refugees in Morocco, Jordan, Israel, Italy, Hong Kong, Macao, Taiwan, Korea, Syria, Egypt (Gaza), the Lebanon, Congo, India (Tibetan refugees), Tunisia, Greece, Laos, Pakistan, Vietnam, Uganda, Tanganyika and Burundi. Algerian refugees have received over 150,000 tons of food via Food for Peace shipments.

Recent world wide events have demonstrated the continuing part that refugees and escapees play in political upheavals. The construction of the wall in Berlin, the tremendous influx of over 60,000 Chinese from Red China into Hong Kong in May 1962, point up problems of immense interest and significance to the United States and the whole Free World. In addition to the Cuban refugees in the United States and in Latin America, the Government has responded to other developing refugee situations in Laos, in the Congo and elsewhere—either directly or in cooperation with international organizations, providing funds, food and other supplies, as appropriate.

5. WORK OF THE VOLUNTARY AGENCIES

(NOTE.—The information which follows is largely summarized from reports to USCR by the voluntary agencies concerned.)

American Council for Emigres in the Professions (ACEP)

During the year 1961–62, 1,719 academically trained refugees registered with ACEP for vocational counseling and job placement. About three-quarters, or 1,158, were Cuban. During the year ACEP made 304 direct job placements, about 300 indirect placements and 300 interim placements.

American Council for Nationalities Service (ACNS)

ACNS and its member agencies have become increasingly involved in the Cuban resettlement program throughout the United States. In cities where Cubans have been resettled the local agency, or International Institute, has helped. At present the agencies most heavily involved are those in Chicago, Ill.; Milwaukee, Wis.; Philadelphia, Pa.; Lowell and Lawrence, Mass.

American Fund for Czechoslovak Refugees, Inc. (AFCR)

AFCR has a caseload of more than 4,000 refugees in Germany, Austria and other European countries. Its program is largely concerned with resettlement, local integration and special assistance.

American Korean Foundation

Officially the 4 million North Koreans who fled to South Korea have been integrated. However, approximately 1 million of these refugees are still unemployed, live in shacks made of cardboard and tin cans. The foundation has been assisting housing developments in refugee settlements.

American National Red Cross

Since June 30, 1961, the American Red Cross, working through the League of Red Cross Societies and/or the International Red Cross Committee has participated in refugee relief actions for Algerian refugees in Tunisia and Morocco, refugees in Togo, Tibetan refugees in Nepal and displaced persons in Laos. Food, clothing and medical care have been provided. The Red Cross continues its relief operation for Algerian refugees during repatriation and resettlement. Medical teams checked the health of returning refugees at crossing points. Food was provided for the return journey, tents were made available for temporary shelter. In Togo, farming tools and seed were provided refugees resettled on farm land. The Red Cross has helped establish handcraft and work centers and schools in Nepal.

CARE, Inc.

CARE's expenditures for assistance to refugees for the fiscal year 1961–62 approximated $1,098,420. The larger portion of this aid (about $774,040) went in the form of surplus food commodities to refugee assimilation, rehabilitation or resettlement centers in West Berlin, Hong Kong and Korea. Through donations and "gifts-in-kind," CARE provided $324,380 worth of self-help equipment, school supplies, agricultural tools, vocational kits, clothing, medical supplies and livestock to refugees in several countries. Areas of concentration have been West Berlin, Gaza, Hong Kong, India, Korea and Vietnam.

Catholic Relief Services (CRS)

As of July 1, 1962 CRS handed over the implementation of its refugee projects in Europe to various indigenous and national Catholic charitable organizations on the continent. In North Africa CRS cooperated with the United Nations High Commissioner for Refugees in the repatriation of Algerian refugees from Tunisia and Morocco. In the Far East assistance provided to refugees in Hong Kong, Macao, Korea and North Vietnam included local integration, food distribution, vocational training courses, housing projects, provision of emergency supplies, conducting of agricultural and work projects, schools and dispensaries. Of Cuban refugees, as of mid-February, 1963, 108,204 were registered with Catholic Relief Services in Miami. CRS has found homes and jobs for 31,908 throughout the United States.

Church World Service (CWS)

A grant of money has been made available by CWS to purchase supplies for recently arrived Chinese refugees in Hong Kong. Clothing, shoes and blankets are being sent to Taiwan for Chinese refugees expected there. A steady flow of blankets, clothing and vitamins continues to go to Algeria. In the Congo, where CWS works through the Congo Protestant Relief Agency, Angolan refugees have received food, clothing and medicine.

Direct Relief Foundation

Direct Relief Foundation has reduced or discontinued help to refugees in Europe in order to expand its activities in Hong Kong and other areas in the Far East. It continues its aid to old and new desperate cases in Greece. Help is also being given refugees from Honduras in Nicaragua.

International Rescue Committee (IRC)

During 1961 about 1,025 refugees arrived in the United States under IRC auspices. Included in this group were Indonesian refugees from the Netherlands, Iron Curtain refugees from Europe, Cuban refugees from Spain and Jamaica, Dominican refugees from Curacao and Brazil and Chinese refugees from Hong Kong. IRC has continued its ongoing program of resettlement, financial aid, job placement, medical care, clothing, education, language and vocational training to Cuban refugees in Miami and Chinese refugees in Hong Kong.

International Social Service (ISS)

At the request of the United States Government for aid in the Hong Kong crisis, ISS brought a special airlift of 48 orphans from Hong Kong to the United States in June 1962.

Lutheran Immigration Service Committee (LIS)

The Lutheran Immigration Service Committee, an agency of the National Lutheran Council and the Lutheran Church-Missouri Synod, in cooperation with the Lutheran World Federation continued its program of help and assistance to refugees. Areas of special activity include assistance to individual refugees remaining in Europe, particularly in the reuniting of families, difficult-to-resettle cases.

Meals for Millions Foundation

Meals for Millions Foundation, dedicated to the relief and prevention of starvation, has continued in 1961–62 its policy of making shipments of multipurpose food to areas where disaster has struck, emergencies have arisen or where there are refugees who must be fed.

Shipments of multipurpose food to 15 major areas in 1961–62 total 60,621 pounds.

Polish American Immigration and Relief Committee (PAIRC)

PAIRC's continuing program for Polish post-war refugees in Western Europe and newly arrived escapees (now averaging 350 per year) including immigration and integration help for new escapees, registration and documentation of cases of "old" refugees under special immigration schemes, provision of sponsorships for regular immigration cases, financial assistance to needy refugees and assistance in implementing regular UNHCR integration programs.

Spanish Refugee Aid, Inc.

During the past year the Foyer Pablo Casals was opened in Montauban, France. It is now providing 181 individual Spanish Republican refugees over 60 years old with a community center in addition to food packages, clothing and a special cash Christmas gift. Spanish Refugee Aid also continued to provide financial aid, food packages and clothing. In the past year it has assisted 1,441 cases.

Tolstoy Foundation

The Tolstoy Foundation continued to help find employment, solve housing problems, provide supplementary food and clothing and to provide other material assistance for about 10,000 Russian and other refugees registered with them in Europe.

United HIAS

United HIAS continued to assist Jewish refugees and migrants from Europe, Egypt, Cuba, and North Africa to resettle in the United States, Latin America, Canada, and

Australia. During 1961 the total number of refugees helped to resettle was 7,156. Of this total, 3,733 came to the United States, 942 to Latin America, 563 to Australia, 486 to Canada.

United Lithuanian Relief Fund of America

About 9,500 Lithuanian refugees in West Germany receive aid from the United Lithuanian Relief Fund. During the past fiscal year a few of this group came to the United States. This was balanced out, however, by new arrivals.

Unitarian Service Committee, Inc.

During 1961, 5,874 Spanish Republican refugees received help from the Unitarian Service Committee, which maintains a center in Toulouse, France.

World University Service (WUS)

The Hong Kong Chinese refugee student program, begun with the 1959–60 academic year, is administered with U.S. Department of State earmarked funds. Initially, five Chinese refugee students were awarded WUS scholarships to supplement awards made to them by U.S. colleges and universities. The college staff training fellowship program, offering graduate fellowships to Chinese refugees who are members of the teaching staffs of post-secondary colleges in Hong Kong, was begun in the 1961–62 academic year.

6. THE WORLD'S REFUGEES

(NOTE.—This table has been compiled from the best available sources. Inevitably, where accurate census taking is not feasible, estimates of refugee populations vary.)

Hong Kong and Macao, from mainland China	*1,270,000
Mainland China, Europeans still awaiting immigration	*2,500
Southeast Asia:	
Chinese, 50,000 in North Burma	250,000
Vietnamese	900,000
Laotians in Cambodia and Laos	35,000
Koreans from North Korea	1,000,000
India,[1] Tibetan refugees	*45,000
Nepal, Tibetan refugees	*20,000
Bhutan and Sikkim, Tibetan refugees	*5,000
Pakistan, refugees from India	3,000,000
Africa:[2]	
From Angola in the Congo	*200,000
From Ruanda in Burundi, Congo, Tanganyika	*160,000
In Togo from Ghana, Ivory Coast	*5,000
Europe:	
UNHCR mandate still in camp (profiting from camp clearance programs)	*9,000
UNHCR mandate out of camp profiting from resettlement programs)	*70,000
From East Germany[3]	4,000,000
Refugees in Europe not benefiting from international programs, who may receive help from voluntary agencies	*150,000
Spanish Republican refugees in France	*30,000
Europeans fleeing Algeria, mostly in France	750,000
Jewish refugees from Tunisia, Morocco, Algeria, and Egypt, mostly in France (most of these have French nationality)	180,000
Algerian Moslems in France	37,000
Ethnic Greeks	*3,500
Cuban refugees in Spain	5,000
Belgian returnees from the Congo	5,000
Dutch from Indonesia	60,000
Italians from Egypt and Tunisia	15,000
Middle East:	
Palestinian Arabs in Jordan, Syria*, Lebanon*, and Gaza*	1,100,000
Russians in Turkey	*1,800
Armenians and Europeans in Lebanon	*1,250
Turkic refugees in Iran	5,000
Western Hemisphere, Cuban refugees, of whom more than 150,000 in the United States; the remainder scattered throughout Latin America	195,000
Total	13,510,050

*Stateless refugees. The others, although uprooted, at least have the protection of a nationality.

[1] Approximately 3,000,000 refugees who fled Pakistan to India have now—14½ years later—been almost completely resettled, according to the Indian Government.

[2] More than 250,000 Algerian refugees from Tunisia and Morocco have been repatriated but their situation—like that of some 2 million Algerians who had been interned during the civil war—remains bleak; homes destroyed, fields strewn with mines.

[3] The first anniversary of the Berlin Wall fell on Aug. 19, 1962. On that date 11,200 refugees from East Germany had escaped to West Berlin despite the wall, 100 were killed trying.

TRIBUTE TO REV. MARTIN LUTHER KING

Mr. HART. Madam President, a few weeks ago the presiding bishop of the Episcopal Church issued a forthright letter to the members of that church indicating what he conceived to be their duty as Christians and as Americans in these troubled days of racial strife. Only last Sunday, the Episcopal bishop of Detroit, Bishop Emrich, writing in the Detroit News, made an equally forthright statement "in praise of Martin Luther King." The points made by Dr. Emrich are excellent, and ones which we should all ponder deeply.

Madam President, for this reason I ask unanimous consent to insert Bishop Emrich's column in the RECORD.

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

BISHOP EMRICH IN PRAISE OF MARTIN LUTHER KING

(By the Rt. Rev. Richard S. Emrich)

It is common knowledge that not only some white people, but also some Negroes are highly critical of the work of Rev. Martin Luther King. The critical whites dislike him because he is "disturbing the peace," and the critical Negroes dislike him because of his nonviolent methods, because he is not disturbing the peace enough. When a man is attacked by both sides, it well may be that he stands at a level of truth from which both sides can learn. This column approves of his methods, and believes that he will go down in history as a great American. Why?

First, it is inevitable that his white opponents in the South accuse him of "disturbing the peace," because every man who struggles for justice and a new order always has that charge leveled against him. The Boston Tea Party and George Washington disturbed the peace in a considerable manner, as did also the original organizers of the labor movement.

If a man or group does not protest loudly, things remain, of course, as they are. If they protest effectively, they are accused of "disturbing the peace." But the "peace" they disturb is to them no peace, and the "order" they disturb is to them an unjust order. Martin Luther King is wise enough to recognize that men do not voluntarily relinquish unjust power, but that only real disturbance and a ground swell of public opinion can change some of our Nation's unjust ways.

Second, while I am not a pacifist, it is clear to me that Dr. King is right in his nonviolent methods, and his critics among some Negroes wrong in their advocacy of violence. Consider the reasons.

1. Dr. King's methods keep the moral issue completely clear, and help everyone to see the justice of the Negro cause.

When I see three Negroes sitting patiently at a counter and a jeering crowd pouring salt and catsup on their heads, I am disgusted with the whites and admire the quiet strength of the Negroes. Why, in the name of God, should not any American be allowed to eat a hamburger where he wishes? And the behavior of the whites is not brave or just, but contemptible. The issue is completely clear.

But if a riot starts and innocent people on both sides are killed, then the issue becomes more confused, and the endless recriminations begin. It would be a catastrophe if the headlines were to read, "20 Whites and 20 Negroes Killed in Alabama Riot." Dr. King is right. It requires far more moral power to sit still while catsup is poured on your head than to be violent. And the methods used by the Negroes could destroy the end desired, which is, of course, a Nation in which we live together in justice and brotherhood. If the whites are stupid and unjust, and the Negroes wise and restrained, let that be written on the national record.

2. Every general should use the proper tactics for a battle, and the tactics are determined by the situation. The fact is that the Negroes are a minority in America (one-tenth of the population), and that, while they are rising in position, the whites still have in Alabama and elsewhere the economic, political, and police power in their hands.

If the Negroes resorted to violence, they would not only confuse the issue but head for sure defeat. Some whites, therefore, hate Dr. King, because, as a good tactician, he is using the only proper and effective plan of battle. He is appealing to America's conscience and to the Constitution. He is not bucking the line against impossible odds, but pulling a wide end sweep where the opposition is most vulnerable—the conscience of the Nation. Malcolm X's opinions are as blind and as stupid as those of all men who hate; and Dr. King, following the instructions of his Lord, is as "wise as a serpent and as innocent as a dove."

3. Dr. King knows that if a man hates, he destroys himself inwardly, and that only the method of love can build the unified Nation we desire. After a trip to India, where he studied Gandhi's methods, he wrote: "The aftermath of hatred and bitterness that usually follows a violent campaign was found nowhere in India, and a mutual friendship, based on complete equality, existed between the Indian and British people within the Commonwealth."

He knows with realism that many hate him and that the struggle is long, but he writes: "The nonviolent approach does something to the hearts and souls of those committed to it. It gives them new self-respect. It calls up resources of strength and courage they did not know they had. Finally, it so stirs the conscience of the opponent that reconciliation becomes a reality."

He has been in jail 12 times ("daddy, why do you have to go to jail so much?"); his house has been bombed twice, and he has been stabbed once. He could react bitterly, but does not. He just keeps coming, saying "I bear in my body the marks of the Lord Jesus." There is no stopping the Negroes if,

under his leadership, they continue their extraordinary display of moral power.

After all, their position is unanswerable. Why should not any American be permitted to vote, or eat a hamburger where he wishes, or enjoy any of the other privileges of a free nation? So, he disturbs the peace, and appeals to the conscience of the Nation. He will not be quiet, and he will not hate.

If you wish to know more about this great man from the inside, read his "Strength To Love," published by Harper & Row.

SENATOR FULBRIGHT APPEARS ON "ISSUES AND ANSWERS"

Mr. ENGLE. Madam President, Sunday before last I had the pleasure of listening to the distinguished Senator from Arkansas, Senator FULBRIGHT, on ABC's "Issues and Answers" program.

The program dealt with the President's trip to Europe, the Atlantic alliance, and the cold war. It was a stimulating experience to listen to Senator FULBRIGHT's straightforward answers to the questions raised. He handled the program with his usual clarity and good sense.

I was surprised when the two leading daily newspapers in Washington editorialized regarding Senator FULBRIGHT's remarks. One of them called him an amateur psychiatrist because he undertook to explain why, in his opinion, France has been so hard to get along with.

I thought his statements were sensible and fair. He referred to General de Gaulle as a "great patriot." He referred to France as a "great nation." He said that France had "suffered a greater shock to her national pride than any other country." But he told the truth.

The other editorial brought up the chicken problem. The President has written two letters to Chancellor Adenauer about chickens and Secretary Rusk has discussed the matter with leaders in West Germany on several occasions. The point is that chickens just happened to be an example of the very major problem we face in getting our agricultural imports into the Common Market area. These imports today amount to over $1 billion. Our current dollar deficit—because of expenditures in the European area—is $2.7 billion. If the offset of our agricultural exports is canceled out, instead of having a net loss of $1.7 billion, we will have a net loss of $2.7 billion.

Everyone who has studied the problem knows that the question of agriculture in the Common Market is the stickiest we have. Senator FULBRIGHT just put his finger on one illustration.

I think his remarks were broad enough to make it plain the he was talking about the whole panorama of our problems that could result from the loss of our agricultural exports to the Common Market.

I commend the entire transcript to my colleagues who may have missed the broadcast and I wish to say again that I think Senator FULBRIGHT answered the questions raised with truth, fairness, and moderation. I believe that few Members of this body would disagree with my view that we are fortunate indeed to have a man of Senator FULBRIGHT's intelligence, experience, ability, and detachment handling the crucial area of foreign relations for the U.S. Senate.

Madam President, I ask unanimous consent that the program "Issues and Answers" of June 23, 1963, be printed in the RECORD.

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

"ISSUES AND ANSWERS," SUNDAY, JUNE 23, 1963

Guest: Senator J. WILLIAM FULBRIGHT, Democrat, of Arkansas. Interviewed by: John Rolfson, ABC Capitol Hill correspondent, and John Scali, ABC State Department correspondent.

The ANNOUNCER. From Washington, the American Broadcasting Co. brings you "Issues and Answers."

Senator J. WILLIAM FULBRIGHT, chairman of the Senate Foreign Relations Committee, here are the issues: Will the President's trip do any good? What can we do about General de Gaulle? Is the time right for an end to the cold war? You have heard the issues. Now for the answers from Senator J. WILLIAM FULBRIGHT, Democrat, of Arkansas, chairman of the Senate Foreign Relations Committee.

Here to interview Senator FULBRIGHT, ABC Capitol Hill correspondent, John Rolfson, and with the first question, ABC State Department correspondent, John Scali.

Mr. SCALI. Senator, welcome to "Issues and Answers."

Senator FULBRIGHT. I am glad to be here again.

Mr. SCALI. President Kennedy's trip seems off to a fairly good start with hundreds of thousands of Germans cheering him at every stop. Yet there are those who say that cheers and applause are about all the President will get during this trip.

Do you agree?

Senator FULBRIGHT. No; I don't agree with these criticisms that it is not a timely trip. I think it may be very well—you have some changes going on, you have a new, although a caretaker government that is set in Italy, you have the prospects of a new government in England and in Germany. I think an examination, getting acquainted with these situations and the forces that are at work may be very timely.

Mr. SCALI. Well, do you get anything more than except a psychological showing of the American flag at a time such as this?

Senator FULBRIGHT. Well, these great turnouts of people—I didn't mean that, that that is particularly significant, but he will undoubtedly have serious talks with the incoming people and those that are already prospects in the next go-round in these various governments and I think he ought to feel his way and to get acquainted with them and to make known to all of them our serious concern about the recent developments in the so-called Atlantic alliance and the seriousness of the effect of General de Gaulle's actions in January.

Mr. ROLFSON. Senator FULBRIGHT, do you think a trip of this kind can do any good as a counterattack on the De Gaulle policies, for example?

Senator FULBRIGHT. I certainly do. I don't like to put it in military terms as a counterattack and so on. This is a matter of, I think, the most delicate diplomacy and I think our objective is to bring back into focus the importance of the Atlantic alliance, or the Atlantic partnership, if you like.

I have not abandoned that yet, although if Mr. de Gaulle or General de Gaulle has his way I think it will be a very serious matter and he himself, I think, may be able to change his mind if he is given the proper opportunity with proper face-saving mechanisms built in.

I don't quite think that General de Gaulle wishes to return completely to the 18th century.

Mr. ROLFSON. Senator, what kind of a policy would it take, what do you think we should do specifically to encourage General de Gaulle to change his mind?

Senator FULBRIGHT. I think we ought to persuade all of the other countries of the importance of it, the Italians, the Germans, the Dutch, the Belgians. I think they are interested in building a much greater unity and cooperation among the Atlantic Community or all the members of the free world. This is the hope. It has been the basic theme of our policy for years and I think General de Gaulle's action has very severely shaken the confidence that all these nations can work closely together.

I think that is the greatest damage he has done. He has at least temporarily shaken the confidence that we can do it and I think the President may well restore this. These are intangible things. I don't expect him to have a great treaty or to solve any of these problems on this trip, but I think he is a very astute political animal and I think he understands many of these issues and I hope he can do some good.

I don't think there is anything wrong with the timing of this trip.

Mr. SCALI. Isn't what you are saying, Senator, adding up to a policy on our part of seeking to isolate and outflank General de Gaulle at the moment?

Senator FULBRIGHT. I don't like to put it in such brutal terms. However, if you choose, I would say that is one way to put it, but I don't wish to mount quite as bluntly this kind of a contest. The general is a great patriot. I think France suffered a greater shock to their national pride than any other country. The performance of France as we all know in the Second World War was not very creditable. It deeply wounded their pride and she is a great nation and I think this is a kind of a reaction to that and I think you have to handle people who have been severely wounded in this way with kid gloves, so to speak. Although I think there is a limit to what we can do, we certainly have done a lot for France.

Mr. SCALI. Do you think perhaps the general is trying to compensate then for a bad performance in World War II?

Senator FULBRIGHT. I think he is overcompensating, I think he is overcompensating and I think he has to make some allowances for this and have some patience.

I don't want to understate how serious I think what he has done is. I think it is very serious and I don't know that we can—I am still hopeful that we can overcome this and bring back into, as I say, focus, all of these countries working closely together.

Mr. ROLFSON. Well, Senator, do you think this is purely De Gaulle or is this the attitude of France which will outlast De Gaulle?

Senator FULBRIGHT. I think the latter, if I may say so. I don't think it is purely De Gaulle, because it wasn't just De Gaulle who was wounded by this performance. In fact, he performed better than France did during that period. But I think the whole French people were and they had a great history and it is not only the way they acted then during the war, but their failure to operate a self-governing democracy throughout the period until De Gaulle—that is, operate it satisfactorily, with this constant changing of governments.

It was a reflection of this restlessness and internal dissension. They could not generate any consensus within their country. These are signs of this same thing and I do think it goes beyond just De Gaulle.

Mr. ROLFSON. Of course, one of the justifications for the De Gaulle policy is that the United States is not necessarily permanently committed to Europe, to staying there, and one reaction in this country has been, one part of the resentment at De Gaulle has been the demand that we do pull out of Europe and let De Gaulle and France and the Europeans stew in their own juice.

Doesn't this sort of justify the De Gaulle policy, their attitude in this country?

Senator FULBRIGHT. Well, De Gaulle does things such as in the trade area, and the way

he speaks about us and so on, that tends to bring about his own prophesy. In other words, he creates conditions that may make it impossible for us to stay, in force. For example, if they insist upon this policy of excluding our agriculture, if they treat all of agriculture as they have treated poultry, then it makes it impossible for us to sustain an army in Europe at the cost of $1 billion because we already have a deficit in our balance of payments. And it is possible for him, if he has his way, and all of Europe cooperates with him, to make it impossible for us to stay, which will make come true his prophesy, but he will be the architect of that.

Mr. SCALI. Well, do you think then that we should consider withdrawing the troops even as a threat to force De Gaulle to change his policy?

Senator FULBRIGHT. I don't like to use threats of that kind. I think we have already stated—I have, at least—I say "we." I don't know that the President has, I am a little freer agent than he is—it is quite obvious we will have to cut down our troops if they persist in the trade policies that they have started on.

I think that is just a matter of financial necessity.

Mr. SCALI. Senator, you mentioned the Common Market. Congressman REUSS, among others, has written that in backing the Common Market, the U.S. Government is primarily, or at least partially to blame because what we have done is encourage formation of what is a Frankenstein monster, an organization which it now develops is inward-looking, which discriminates against American tariffs, whereas our focus should have been on encouraging formation of a broader grouping of free world countries. Do you subscribe to that?

Senator FULBRIGHT. Well, I think there is something to that. I don't know that we could have controlled it. I don't wish to always bring it up and say "I told you so," but it is a fact that when the Marshall plan was first introduced, I and some of my colleagues attempted to have incorporated in that as a policy, the unification of Europe at that time as a part of the Marshall plan, on a broader scale than just the Six, and I think this would have been preferable, and I think it would have been a very wise thing to do.

The Secretary of State at that time, Dean Acheson, was opposed to this policy. I think this is a question of timing. He thought it was too much to ask of them at that time in 1948 to make great political changes as well as economic adjustments and therefore our Government didn't support it.

I think it was a mistake and I agree with you that it should have been done that way. Nevertheless, I think that in view of the fact that the two last World Wars were generated by the frictions among these very countries, that some kind of cooperative unification of Europe was called for.

Now the fact that it is presently inward-looking is too bad. Our job is to try to make it outward-looking, but I wouldn't regret the fact that they are moving toward unity in Europe.

Mr. ROLFSON. I think perhaps this idea goes a little beyond that, though. That in the past and possibly still now, what we should have done and should be doing is not only encouraging a united Europe, independent of us, but making a greater commitment ourselves in this organization, economically——

Senator FULBRIGHT. I didn't get that point. I agree with that. Yes, we should. But there is a great resistance here in our country to do it, but I would favor that and I think we ought to do it.

Mr. ROLFSON. What would you do? How would you start?

Senator FULBRIGHT. What I recently suggested was a very minor thing, the creation of what we call an Atlantic Consultative Assembly, to make the step of bringing their people and ours together in a regular institutionalized manner, the representatives of all of these countries, going beyond the Six, including Scandinavia.

Mr. ROLFSON. For law-making purposes?

Senator FULBRIGHT. No, I say consultative assembly. I think that is the first step. I don't think you could get that step. You know, as Erick Hoffer puts it, the ordeal of change is a very serious matter and to get anyone to adjust to a new idea is a major undertaking and I just think you would fail.

I think they would allow perhaps a consultative assembly which has been recommended, as a result of the meeting, as you will remember, that Herter and Will Clayton sponsored, or were our principal representatives. I think this is a step in that direction. It is consistent with the OECD. The OECD is demanding a parliamentarians' conference and if we could merge that in a way with the NATO parliamentarians' conference, maybe we can get a conference including more than the Six and then we could move toward consultative bodies and then later perhaps something stronger. We cannot foresee how it would develop but that is one thing we could do.

Mr. SCALI. Senator, if we can turn to the broader East-West picture for a moment, do you see any real opportunity in the days ahead of an accommodation between the United States and Russia which might flow out of the speech that the President made June 10 where he called for a reexamination of the cold war concept?

Senator FULBRIGHT. Well, I approve of the speech. I don't think there is going to be any great sudden change in this business. I favor the gradual change as being the only realistic one.

I do think there are various circumstances that are moving now in a direction which might make it possible to alleviate the tensions of the cold war. The Chinese-Russian discussion is one of them. The vast cost of these armaments programs, which must affect Russia as it affects us, and the, I think, general settling down of their activities. I notice they are curbing their foreign aid program. I think they are disillusioned with their experience in Iraq, Indonesia, and other places. I think the prospects are that we are going to do it for different reasons than theirs, but some of the same reasons. I think there is a possibility here. They haven't been too offensive about Berlin lately, and so on.

Therefore I think it is timely and I think an expression by the President of this kind leads to a discussion. I would hope such discussions can take place and small, tentative agreements made. Tentative in the sense that they don't solve the problem, but honestly I think when you examine the great problems that we are having internally and that they are having with China, it creates further matters which we have in common.

Mr. ROLFSON. You listed the Russian-Chinese conference as one of the things that might alleviate it. Does that mean you see out of this conference coming a softer Chinese line rather than a harder Russian line?

Senator FULBRIGHT. No; I would hope it would confirm in the Russian's mind that they have more in common with the Western peoples, the Europeans as well as ourselves, than they do with the Chinese, because the Chinese, if I interpret what they are saying, it is that they do not accept the concept of coexistence; they demand the continuation of violence, the violent revolution wherever it can be had and promoted and I think the Russians recognize the dangers themselves if we have a nuclear war.

The Russians are more conscious of the destruction of a possible nuclear war. They have more to lose in another sense, having accomplished a good deal in the rebuilding of their country. There are many reasons of this nature which I think might lead the Russians to take a different view from the Chinese. The Chinese give every evidence of having very little fear of a nuclear war. Furthermore, the Chinese are much closer to the Russians than they are to us. We get excited about Cuba. Well, what if you had 600 million people right on your border, as the Russians have, why wouldn't you be excited about that? We have only 6 million down here, 90 miles from our coast.

All of these things go together. I think it is worth examining, anyway. I thought his statement there was worthwhile.

Mr. SCALI. Senator, you mentioned the possibility of some tentative agreements in limited areas. Do you think that these should be explored and pursued at the diplomatic working level or perhaps elevated to the point of a summit conference?

Senator FULBRIGHT. No, I think the first. That is where they should be explored, at the lower level, diplomatic and at most a ministerial before you get—I am not an advocate of summit meetings before you get anywhere.

Mr. SCALI. In that connection, as you know, Averell Harriman is flying to Moscow in mid-July.

Senator FULBRIGHT. Yes.

Mr. SCALI. Do you see this as perhaps one of the wedges that could open this whole area?

Senator FULBRIGHT. Well, this is the sort of thing that ought to be going on all the time, to discuss these matters. Now they have apparently agreed on the so-called hot line. I wouldn't overemphasize its significance, but it is something.

I think they are still hopeful that maybe something in the test ban area might be developed. Nothing concrete has yet come out. I don't know that it will, but I think we ought to keep plugging on these matters. After all, you are still faced with the alternative of this finally escalating into a nuclear war if we don't do something.

Mr. ROLFSON. Senator, the Republican leadership in Congress was extremely scornful of this whole American University speech, the nuclear test and all the rest, and the idea that our policy should try to encourage the Russians toward a more enlightened policy and so forth.

Senator FULBRIGHT. Yes.

Mr. ROLFSON. They have complained that the President was shooting from the hip without consulting with them. Do you think there is some big error here in the administration in not bringing the Republicans in more at the beginning of such policies as these?

Senator FULBRIGHT. Well, I rather think it would be wise to consult more with them, although I am not personally aware of just how little he has consulted. Naturally if he consults with them, I don't always know it, and I am not always there. I think on the other hand everybody is beginning, I think prematurely, to become interested in the 1964 election and I think that colors this a little bit.

There is a tremendous ad in this morning's paper, a whole full-page ad, with a great national rally for Mr. GOLDWATER, already within a week or two.

I think it is going to make it a long campaign, but I do think that it is wise to consult the opposition, any government that is in power.

Mr. SCALI. Of course, the opponents of this new Presidential approach characterize it as a sign that the accommodators have taken over the direction of our foreign policy. They don't answer when they say "Well, do you mean appeasers?" They say "No, we will let the word 'accommodator' stand."

Senator FULBRIGHT. I guess there is a revival. This is what they emphasized in the early fifties under McCarthy and they have

always thought this was paydirt, that this was politically profitable. I think they have overworked Cuba for this same reason, seeking to say that the Democrats are soft on communism. I think it is too bad. This is a very bad thing to restrict the freedom of action of our Government, whatever government it is, whether it is the Republicans under Eisenhower or under Kennedy, he ought to be free in this area to try to do what he can to avoid a nuclear war. I think this is dangerous politics, but it is not new. It is a continuation of it. We have had it in Cuba and I regret it.

Mr. ROLFSON. Let me ask about Cuba. Premier Castro has come back from Russia feeling very confident about his position and powers. Do you think we are going to have to live with him for a long time in Cuba?

Senator FULBRIGHT. I rather think so, unless he does something very foolish. I think there was a time, of course, when we might have invaded, at the time when we had a real excuse back last October. We didn't. We chose another route. At the time I think that was generally applauded, but anyway I see no excuse now to mount an offensive.

Mr. ROLFSON. How about the Russians? Do we have to live with them too, in Cuba? Their troops?

Senator FULBRIGHT. I think so, unless you wish to take—unless you wish to mount an invasion and go to war about it. I don't think it is sufficiently important to warrant a full-scale invasion and this is what I think you are talking about. What I object to of those who criticize it so vigorously is they go right up to the point and you say "Do you advocate an invasion," and they say "No." But everything said prior to that would lead to no other conclusion.

Now I think either you invade or you don't. I think what they are doing is everything short of an invasion to isolate this man, I think.

Now that reminds me of another item which I would like to mention in this connection, allied with Cuba, and it is this developing situation in British Guinea.

Now Mrs. Jagan down there, whom as you know is generally believed to be a full-fledged Communist—she came from Chicago and is very bright and very aggressive, is now the Home Secretary, and she recently made a statement thanking Fidel Castro for his assistance when they were stuck, meaning they have received food, rice and other materials to keep the Government going during this very, very bad period of a long strike and internal chaos practically.

Now I think it would be a great mistake, and I hope the British do not pursue this policy of withdrawal and independence under these conditions. I know it is out of character for us to say not to withdraw, but I think these conditions warrant us at least doing what we can to persuade the British not to give up their control.

Their Coldstream Guards have been protecting the unloading of these Cuban supplies and the loading of the Russian ship and I would not like to see an extension, another Communist country in Latin America, on the mainland.

Mr. SCALI. If the British feel because of various things that they have to withdraw and Premier Jagan sets up a full-fledged Communist government there, do you think there is anything the United States could and should do?

Senator FULBRIGHT. Well, I would certainly try to think of something I could do. I believe there are things we could do. But I would hope the British wouldn't. They are in there legally and the conditions are not of their creation. I think there is every justification for them delaying at least their withdrawal.

Mr. ROLFSON. I am sorry, Senator, I am going to have to interrupt. Our time is up. Thank you very much, Senator FULBRIGHT, for being with us on "Issues and Answers."

Senator FULBRIGHT. Thank you for inviting me.

The ANNOUNCER. This concludes this week's "Issues and Answers" with Senator J. WILLIAM FULBRIGHT.

Next week at this time our guest will be the former Director of the U.S. Central Intelligence Agency, Mr. Allen W. Dulles. We hope you will be with us.

SCHOOL INTEGRATION IN NEW YORK

Mr. JAVITS. Madam President, the great debate on civil rights which is sweeping the Nation at this time is quite properly directed to the problems of segregation and discrimination in all parts of the Nation, not merely in the South. Much remains to be done in all sections, but it must be recognized that the problems differ from region to region and from city to city. One of the major points of difference is the degree to which the public and governmental climate of the particular area is dedicated to eliminating the discriminatory practices which still plague its institutions. I have always been proud of the leadership which the State of New York has exerted in this field and I bring to the attention of my colleagues a most interesting recent Federal district court decision in New York in the celebrated New Rochelle school desegregation case, which was the pilot suit involving school desegregation in the North. This decision, by the Honorable Irving R. Kaufman, judge of the U.S. Court of Appeals for the Second Circuit, describing the excellent efforts being made by the governmental structure of New Rochelle and of the State of New York, as well as by the entire community in New Rochelle in order to comply with the 1954 Supreme Court decision, is a landmark of good will which I hope will be repeated throughout the country.

I ask unanimous consent that the most important and learned opinion of the court be printed in the RECORD at this point in my remarks.

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

[U.S. District Court for the Southern District of New York—60 Civ. 4098]

LESLIE TAYLOR AND KEVIN TAYLOR, MINORS, BY WILBERT TAYLOR AND HALLIE TAYLOR, THEIR PARENTS AND NEXT FRIENDS, AND MARJORIE WILLIAMS AND ROSLYN WILLIAMS, MINORS, BY RUDOLPH WILLIAMS AND MARJORIE WILLIAMS, THEIR PARENTS AND NEXT FRIENDS, AND CHERYL ANN WILLIAMS, A MINOR, BY ULA WILLIAMS, HER MOTHER AND NEXT FRIEND, AND LYNN GARLAND, A MINOR, BY THOMAS GARLAND, HER FATHER AND NEXT FRIEND, AND BENJAMIN HALL, LONNIE HALL, MICHELEE HALL AND VELMA HALL, MINORS, BY BARBARA HALL, THEIR MOTHER AND NEXT FRIEND, AND MARILENE MURPHY, A MINOR, BY WALTER MURPHY AND WILLENE MURPHY, HER PARENTS AND NEXT FRIENDS, AND FOR THESE AND ALL OTHERS SIMILARLY SITUATED AND WHO MAY BECOME PARTIES TO THIS ACTION, PLAINTIFFS, *v.* THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW ROCHELLE, AND HERBERT C. CLISH, AS SUPERINTENDENT OF SCHOOLS OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW ROCHELLE, DEFENDANTS

Appearances: Paul Zuber, attorney for plaintiffs; Murray C. Fuerst, attorney for board of education; Robert M. Morgenthau, U.S. attorney, by Eugene R. Anderson and David R. Hyde.

Irving R. Kaufman, C.J. (delivered from the bench): I have been pleased to hear from Dr. Frank F. Marino, chairman of the Board of Education of the City of New Rochelle, and other members of the board, as well as Dr. David G. Salten, superintendent of schools, who addressed the court this morning.

This is a most gratifying day for this court, for in 2 years we have come full circle from a period in which national attention was focused upon New Rochelle as a northern community condoning segregation to a period in which the Nation will view New Rochelle as a trailblazer in solving the problem of providing truly equal educational opportunity for all. I want publicly to thank Messrs. Fuerst and Zuber who, as counsel for the respective parties, have performed a great service not only to the community and to this court, but to the entire Nation as well.

In less than 10 years, the legal and social complexion of our Nation has undergone a dramatic change. The epochal decision of the U.S. Supreme Court in *Brown* v. *Board of Education*, 349 U.S. 294 (1954), has worked a revolution in American race relations. The tempo of that revolution is ever quickening and its reverberations have not been confined to any one part of our Nation. Indeed, the President of the United States has recently noted that the problem of equal opportunity regardless of race is "not a sectional problem—it is nationwide."

The truth of this statement is confirmed by the case history of New Rochelle's Lincoln School integration litigation, the judicial phases of which are, hopefully, drawing to a close. In order that the application now before this court may be set in context, a brief statement of that history will be undertaken.

New Rochelle, a suburb of New York City is, as we know, located in southeastern Westchester County. In late 1960, a class action was initiated in this court by several Negro children enrolled in the Lincoln School, a public elementary school operated by the Board of Education of the City of New Rochelle, which was named as one of the defendants. In this action, the plaintiffs charged that Lincoln School, situated in central New Rochelle, then with an enrollment of approximately 94 percent Negroes, had been deliberately created and maintained by the board as a racially segregated school in violation of the 14th amendment to the Federal Constitution. After a trial, this court found, 191 F. Supp. 181 (S.D.N.Y. 1961), that the school board, in 1930, had gerrymandered the district in which the Lincoln School was located in order that a large portion of its white students would be excluded and permitted to attend the nearby Webster and Mayflower schools; that within the 4 years following, the boundaries of the Lincoln district were manipulated so as to incorporate the ever-increasing Negro population; that until 1949, the board assured the continuance of Lincoln School as a Negro school by permitting white students resident within the district to transfer to schools outside the district; and that after 1949, when further transfers were forbidden, the school board did nothing to alter the status quo or to ameliorate the serious racial imbalance in the Lincoln School which it had caused to be brought about.

It followed, therefore, that this court was constrained to find that the deliberate efforts to maintain the Lincoln School as a segregated educational institution worked a deprivation of the equal protection of the laws constitutionally proscribed by the 14th amendment as interpreted by the Supreme Court in *Brown* v. *Board of Education*, supra. As I noted at that time, "The conduct of responsible school officials has operated to deny to Negro children the opportunities for

a full and meaningful educational experience guaranteed to them by the 14th amendment," 191 F. Supp. at 182–93.

In order to cure this social illness, this court directed the board to present a plan to remedy the illegality. The board proposed such a plan which, with considerable modification, was adopted as the decree of the court, in May 1961, 195 F. Supp. 231 (S.D.N.Y. 1961). In essence, the decree provided for a completely optional transfer of all Lincoln students to any schools having sufficient room to receive them without the imposition of any requirements for minimal academic achievement or emotional adjustment. Further provisions were incorporated in order fully to effectuate the spirit of the optional transfer plan; but, the decree provided that the board was under no obligation to furnish transportation to pupils transferring under the terms of the decree. The decree concluded with the provision that "The court shall retain jurisdiction over this case to assure full compliance with this decree." This court, then, is still seized of jurisdiction over this case and over the administration of the terms of the decree.

I now have before me an application by the present school board—whose composition is substantially different from that of the board at the time of the original decree—seeking certain amendments and modifications of that decree.

It is clear that this application has been precipitated by the changing circumstances in New Rochelle which have followed upon the board's efforts to comply with this court's order. On the date of the commencement of this litigation, Lincoln School had an enrollment of 483 students, of whom 454, or 94 percent, were Negro. As a result of the transfer of Lincoln students to the city's 11 other elementary schools, the percentage of Negro students dropped immediately to approximately 89 percent. A year and a half later, in April 1963, the entire student population at Lincoln School was less than half what it was when this court entered its decree; only 210 pupils had chosen to remain enrolled at this antiquated school, constructed 65 years ago.

The economic and social impact of this mass exodus has been perceptively analyzed and extrapolated by the present forward-looking school board. The operation of Lincoln School has become economically unfeasible due to the greatly diminished size of the student body; as of April of this year, although the average annual per capita cost of education in all the New Rochelle elementary schools was approximately $877 per student, the cost of educating a student at Lincoln was somewhat more than $1,057. As the student body will continue to decrease the cost per Lincoln School student will increase. It has become obvious to the present board that the Lincoln School must be closed and permanently shut down.

But more at the heart of this proceeding is the school board's fear—grounded in a sincere desire to conform not only with the letter but with the spirit of this court's decree—a fear that the continuation of the plan of free optional transfer, pursuant to the terms of the decree, will result in an unbalanced racial population in schools adjacent to the Lincoln district. The board in effect urges that strict compliance with the original decree, now that Lincoln School is being closed down, will pose a serious threat of de facto racial segregation in those contiguous schools, if the remaining students at Lincoln are permitted to exercise a free choice of school to be attended.

The school board and its enlightened superintendent of schools, Dr. David G. Salten, a nationally recognized educator—after holding two public hearings in May of this year, at which 1,300 and 900 citizens, respectively, were in attendance and 98 speakers heard; after attending many meetings of PTA groups, and civic and neighborhood associations; and after consulting with experts in the field and with those representing the interests of the Negro population of the Lincoln district—therefore asks this court to amend and modify the letter of the decree in order that its spirit may best be perpetuated.

In my original opinion in this litigation, I expressed my sincere belief in the proposition that the desegregation problem in the Lincoln district could be solved by "men of good will, wisdom and ingenuity," 191 F. Supp. at 193. It is gratifying that, among the membership of the present school board, New Rochelle has found such men. It is obvious that these are men of heart and of broad vision. They have taken a most commendable and farsighted step in projecting the philosophy which underlay the original decree—and by their action will minimize or perhaps avoid the problem, plaguing so many other communities, of racial imbalance in their system of education. This reaffirmation of respect for man and law is gratifying and timely, for it is an antidote to those familiar instances where Federal court decrees have been flaunted by high officials sworn to uphold the law.

Obstruction, delay, and unrest have characterized much of our national struggle against educational and racial inequality. But this small northern community—whose population, composed of various races and religions, might represent our Nation in microcosm—has provided this Nation with an example and a model of sound public leadership.

Indeed, the immediate and energetic efforts of the school board to comply with this court's mandate might well be viewed as a precursor of the widely acclaimed position taken only last week by James E. Allen, Jr., commissioner of education for the State of New York.

The President of the United States, a few short days ago, registered a plea for an end to racial strife, mass picketing and protest meetings which almost inevitably trigger violence. He urged that the forum for solving the racial question be shifted from the streets to the courts. Certainly, that is the first step. But, as I noted in my original opinion: "Litigation is an unsatisfactory way to resolve issues such as have been presented here. It is costly, time consuming—causing further delays in the implementation of constitutional rights—and further inflames the emotions of the partisans," 191 F. Supp. at 197. In short, our legal system can only go so far in inculcating morality. Today, in light of the school board's appearance before this court, I feel even more strongly that the task of securing full equality of educational opportunity among the races is best achieved not by a court which is ill-equipped to control day-to-day problems of educational policy, but by private citizens, men of good will, prepared to act affirmatively in pursuance of our basic law and with a devotion to community betterment.

Thus, in the instant case, the New Rochelle School Board has taken the initiative and, after investigation and consultation, has proposed several modifications in the May 1961 decree of this court.

With the closing of the Lincoln School and the accompanying need for enlightened placement of the students living within the Lincoln district, the board proposes to provide bus transportation to these students on a basis identical to that provided throughout New Rochelle—that is, transportation to any school destination within 1½ and 10 miles of the student's home. As the school board has stated in its report on its proposed plan to the citizens of New Rochelle: "Transportation will be a key factor in our efforts to maintain an ethnic balance in our elementary schools and to prevent the emergence of segregated schools." This report further states: "Any solution for the problems at Lincoln must be resolved on the basis of what is good for the school system and the community as a whole. Closing the school and transporting its students to outlying areas fulfills this criterion because it avoids tipping contiguous schools and enables students in outlying as well as in the central schools to attend an integrated school."

I have been advised that the additional cost to each of the residents of New Rochelle once the benefits of bus transportation are extended to the students in question will be insignificant. It must also be noted that, pursuant to State law, 90 percent of the transportation costs incurred in the city of New Rochelle will be borne by New York State in the 1963–64 and successive school years, and only 10 percent by the city. In short, the burdens resulting from the implementation of the proposed transportation plan are infinitesimal when compared to its benefits.

I am convinced that the closing of Lincoln School, conjoined with free bus transportation for former pupils there to other schools within the city will have a salutary influence in securing true equality of educational opportunity for all parties before this court. This proposed modification, which would eliminate paragraph 7 of the original order decreeing that Lincoln transferees were to provide their own transportation, is therefore adopted by this court.

The more fundamental modification of the decree proposed by the school board is the deletion of paragraphs 1 and 2 which deal with the optional transfer plan and the substitution therefor of a provision designed to permit the board to assign students residing within the Lincoln district where necessary to secure or maintain racial balance within the elementary school system. Such a provision would repose in the board discretion in the assignment of pupils in order best to effectuate the principles announced in the original opinion of this court. Viewing this proposed modification in light of the school board's demonstrated genuine support for those principles, this court has decided to so modify its decree. Compliance therewith will be insured, if ever necessary, by this court's continued retention of jurisdiction over the case, in pursuance to the final paragraph of the decree and to the general principles of equity.

The decree is modified as provided for in the amended decree entered this day.

And so, as the board in its "Comprehensive Plan for Educational Excellence—A Report to All Citizens of New Rochelle," dated May 14, 1963, stated: "The eyes of the entire Nation are fixed upon our community and received national attention." The Nation will now observe how men of compassion and foresight have faced up to the racial problem of their community and with courage undertaken the task of solving it.

IRVING R. KAUFMAN,
U.S. Circuit Judge.

JUNE 24, 1963.

SHIPWORK CHEAPER IN PRIVATE YARDS

Mr. BREWSTER. Madam President, I ask unanimous consent to insert in the RECORD an article which appeared in the Boston Globe, June 9, 1963, and which was entitled "Shipwork Cheaper in Private Yards."

The author, Allen M. Smythe, is a reputable financial writer. His article explains the efforts made to change the congressional mandate requiring that private shipbuilding firms handle 35 percent of naval vessel repairs and thus

save 20 to 30 percent in cost to the taxpayers.

Madam President, the private shipbuilding industry of this Nation is in a slump; yet our defense officials, rather than aid our hard-pressed private yards, prefer to have all work done in naval shipyards operated by the Government.

I hope that my colleagues will examine this problem carefully and give thought to the necessity of maintaining and protecting private industry against expensive Federal competition.

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

[From the Boston Globe, June 9, 1963]

SHIPWORK CHEAPER IN PRIVATE YARDS

(By Allen M. Smythe)

The Navy, disturbed by some aspects of a survey made to determine comparative costs between naval shipyards and private shipbuilding plants, adopted a news management plan that has backfired.

The survey, made under a $197,000 Navy contract issued to Arthur Anderson & Co., a New York auditing firm, was expected to furnish cost data to influence congressional legislation. The Navy wants Congress to eliminate a proviso in the appropriation bill that requires 35 percent of the repairs for naval vessels to be made in private shipyards.

For some time Navy officials and some Federal unions favorable to the Navy attitude have been testifying before the Senate and House using the Anderson report as a basis for their arguments. Groups opposed to the change could not see the report and the Navy belatedly stated the House Appropriation Committee was holding up the release.

Congressman GEORGE H. MAHON, Democrat, of Texas, chairman of the defense fiscal group, reacted vigorously by saying: "The release of this report was never the responsibility of our committee." Navy public relations officers wished to release but were overruled by top admirals and the Navy Secretary.

JOHN E. MOSS, Democrat, of California, chairman of the Government Operations Subcommittee whose group has criticized Defense restrictive news policies, commented, "It's just another instance of the withholding of facts that have no pertinancy to the security of the Nation. It should have been released." He asked Navy Secretary Fred Korth for an explanation.

The Navy does not keep records of its present-day assets but estimates that the 11 navy yards would be valued at $4 or $5 billion. Private shipyards including small boatbuilding yards are valued at $738.4 million.

Andrew Pettis, vice president of the Union of Shipbuilding Workers and prominent labor leader, said "It is silly for the Navy to claim that their big, cumbersome yards can compete with private shipyards. Their costs are 25 to 30 percent higher."

Edwin M. Hood, president of the Shipbuilders Council, said: "The fact that the Anderson survey report has not been released raises more questions than it answers. A similar study for the private industry last year was never held under wraps and showed the cost for all types of naval ships work—new construction, alterations, repair, and conversion—were 20 to 28 percent higher in naval shipyards."

Hood also pointed out that the Navy reported that $63 million in repair work had been given to private shipyards in the last 6 months of 1962 and that his group's members reported less than half of that amount.

Hood described as ridiculous the statement that private shipyards had been given $127.6 million in conversions. "We have only a fraction of that amount."

Private shipyards handle 49 percent, dollarwise, of all Navy shipwork. This is because of a high percentage—around 70 percent—of new construction. They have 48,760 employees for this work. The Navy employs 97,300 men for their share. Navy wages average 15 percent higher than private firms.

The Anderson survey shows Navy costs to be 10 to 25.4 percent higher for various kinds of shipwork. If taxes paid by private shipyards were eliminated, the percentage would range from 14 to 30.

NUCLEAR TEST BAN TREATY AND WITHDRAWAL FROM SOUTH VIETNAM

Mr. THURMOND. Madam President, I call to the attention of the Senate two recent full page advertisements which have appeared in some of the Nation's largest daily newspapers. I have studied these advertisements most carefully and they cause me untold concern because in one, a group of prominent American businessmen have put themselves on record as favoring a test ban treaty with the Communists, and I am convinced that these gentlemen have made this move without full facts and without realizing that a nuclear test ban arrangement with the Communists would be nothing more than a nuclear test ban trap for the United States and the free world. The other group of prominent clergymen have had the temerity to suggest to the public that the United States get out of South Vietnam because the existing Government there is supposedly suppressing freedom of religion.

Madam President, how stupid can any group of clergymen get when they suggest to the public that by getting out of South Vietnam and letting the Communists take over—and there could be no other result to follow such a foolish move—that freedom of religion would be restored, if indeed it is actually being suppressed to any substantial degree.

Madam President, we all know, or should know, that the Communists recognize no God save materialism and the worship of man. All we have to do is look at Tibet and the tragic treatment given there to the religious leaders of that country which was permitted to fall to the forces of communism.

The first advertisement appeared in the Wall Street Journal on Monday, June 24, 1963, in a full page advertisement entitled "Why Business Leaders Want a Nuclear Test Ban Treaty." The second was published in the Washington Post on Thursday, June 27, 1963, entitled "We, Too, Protest."

The Wall Street Journal advertisement provides a good illustration of a point I made in my June 3, 1963, newsletter when I stated:

The United States, along with some of its major allies, has apparently become obsessed with obtaining from the Soviets a treaty banning nuclear tests. This obsession is based on fear, a fear which is felt by a large share of the public. This fear is based not on factual information, but on misconceptions and misunderstandings of a relatively new and highly technical subject on which few facts have been disclosed. In fact, even fewer of those disclosed facts have been presented in perspective. Many hearings have been conducted by congressional committees on the subject of a nuclear test ban, and Government officials and scientists have spoken frequently on the subject. Despite all the attention, however, these sources of information have failed miserably to communicate to the public, and even to the Congress, an organized, complete and understandable presentation of the issues and considerations involved.

Since this advertisement is such a blatant example of the administration's duplicity in propagandizing loyal citizens in favor of a test ban on one hand and withholding information from the public on the other hand, I ask unanimous consent that it be printed in the RECORD at this point.

Madam President, I will not discuss this advertisement in its entirety, but only certain key parts in the hope that this will be enough to encourage these august gentlemen to reexamine their positions.

Madam President, nuclear tests are required for the following reasons:

First, To provide an effective defense against Soviet ICBM's; second, to provide our Nation with a certain capability to penetrate Soviet missile defenses employing nuclear warheads; and third, to assure the immunity of our second strike missile systems to a surprise enemy nuclear attack; and, to develop specialized nuclear warheads to defend our Nation against satellite bombs and other terror weapons with which the free world has been threatened.

Madam President, the administration could help to further enlighten these businessmen and the public if our leaders would be more candid about the limitations of our detection techniques in the atmosphere and outer space and below the ground, especially since the recent exposé that the Soviets on June 12 fired a nuclear detonation showing their contempt for the President's June 10 moratorium.

An effective test ban treaty might be in our interest if we could be certain that the Soviets have not made a major breakthrough. We can only find this out if we test. We may find out the hard way, if they have discovered nuclear effects such as electromagnetic pulses, and so forth, which may affect our so-called second strike force. If their last test produced a technological breakthrough and they are moving into production of large missiles and supramegaton warheads, serious trouble lies ahead. If we decided to test and make a similar discovery a few years hence, it would be too late. At this stage, if the Soviets should desire to issue an ultimatum—and they surely would—such a nuclear threat would instantly reduce us to a second-class power or worse.

As a parting thought to these gentlemen, experts have stated that there is only one way to stop proliferation—shoot all scientists, all physicists, burn all textbooks relating to science and wipe out all people associated with the art. This may sound silly, but it is as silly as stating that proliferation will be stopped by a test ban treaty with the U.S.S.R.

I would also suggest to the endorsers that they use their combined fortunes and influence to get the administration to be candid with them and the public

about the key point in their advertisement. They should also ask after securing this information the real objective of the test ban is not in reality "confidence building," or "accommodation"—or in other words, make the Soviets like us, as expressed by Dr. Walt W. Rostow, chairman of the State Department's Policy Planning Council, at the Pugwash Conference in Moscow in 1960.

Madam President, I ask unanimous consent that the advertisement on a nuclear test ban treaty be printed in the RECORD at this point.

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

[From the Wall Street Journal, June 24, 1963]

WHY BUSINESS LEADERS WANT A NUCLEAR TEST BAN TREATY

Differences of opinion in a democratic society, such as ours, are normal and welcome.

On one subject, Americans can have no difference of opinion—that the security of our country must be maintained intact, whatever the costs, whatever the sacrifices each of us may be called upon to make.

That we are living on the threshold of peril is one of the conditions of our life since man unlocked the secret of the atom.

In the past decade, our country has spent $500 billion for our defense system at the rate of some $50 billion per year. Today, our military power is superior to that of the Russians, in size, diversification, and sophistication.

No one can guarantee that calculation or accident will not produce a nuclear war in which mankind will perish.

In the past year, the President of the United States has exercised his awesome responsibility to authorize his representatives to negotiate an effective test ban treaty with the U.S.S.R. as being in the security interests of the United States and in order to prevent the proliferation of nuclear weapons, lest by 1970 there be 15, 20, or 25 nuclear powers, instead of the present 4. Nuclear science technology is not static and the present monopoly of the four powers may soon be broken. Moreover, without a test ban treaty, time is on the side of the Russians, permitting them to move forward to close the gap between our power and theirs.

There can be no challenge to the unique knowledge of the President as to what constitutes the security interests of our country.

Those who oppose a test ban treaty, base it on fear lest the Russians cheat, even if they sign a treaty; and our vulnerability if they do so. But a sober appraisal of the realistic situation reveals that the United States is not entrusting or exposing its defenses to the mercy of any other country, with or without a treaty.

Our military power is, in no wise, diminished under the proposed treaty. Our arms are neither junked, nor reduced, nor enjoined from reproduction.

Our monitoring system is certain in the atmosphere; detection techniques in outer space can detect explosions beyond the distance of the sun, hundreds of millions of miles away from the earth. In only one area—underground testing, of minor importance militarily, say the scientists—do we require U.S.S.R. cooperation in detection. And even there, current detection systems have almost the same capability as a system inside the Soviet Union. Since our seismological advances continue, our dependence on monitors inside the Soviet Union may also diminish.

Our research on new weapons continues to the last point, except for testing.

And what we are enjoined from doing, so are the Russians.

Do we need new weapons for security? Our present arsenal is superior to the Russians and sufficient to destroy every vestige of life 125 times over in 2,000 of the largest cities in the world (100,000 population or over).

And as the President pointed out on February 21, 1963: "We test and test and finally get weapons which are increasingly sophisticated. But the fact of the matter is that someone may test 10 or 15 times and get a weapon which is not nearly as good as the megaton weapons, but, nevertheless, are 2 or 3 times the weapons which destroyed Hiroshima and Nagasaki, and that was dreadful enough.

"So I think we have a great deal to gain, if we can get a test agreement."

The proliferation of nuclear arms is as dangerous to the U.S.S.R. as it is to the rest of humanity. Self-interest and self-interest alone will dictate Soviet adherence to a test ban treaty. And Russia's stake is nothing less than survival.

The fact of the matter is, as the President stated last February, "that the Soviet Union did accept in September a condition which they denied over the past 2 years or so—inspection. Now, what we are disagreeing about is the number of inspections, but, at least, the principle of inspection is accepted."

In essence, a test ban treaty is an experiment in trust which, if it produces sufficient mutual confidence, could eventually lead to disarmament in careful stages.

For both the Russian and the American people, even a small reduction in military spending means a large improvement in economic standards.

For the Russians, shortages in consumer goods could be satisfied. For the American people, needed investments in education, housing, resource development, health and medical services, now lagging, could be made possible.

An effective test ban treaty lifts the ominous pall which overhangs and opens the door to rationality, and, therefore, to hope in a constructive world.

Such risks as may be involved in a test ban treaty should not be magnified. The gains to be achieved far outweigh them.

We, therefore, commend and support the administrations' continuing efforts to achieve an effective test ban treaty with the U.S.S.R., confident that our own security will be protected and also world survival.

G. T. Baker, executive vice president, National Airlines, Inc.; Morton J. Baum, president, Hickey-Freeman Co.; Joseph L. Block, chairman, Inland Steel Co.; Harry A. Bullis, former chairman of the board, General Mills Corp.; chairman of the Council on World Tensions, Inc.; William L. Clayton, former Undersecretary of State and founder of Anderson, Clayton & Co.; John T. Connor, president, Merck & Co., Inc.; Oscar de Lima, chairman, Roger Smith Hotels Corp.; Marriner S. Eccles, chairman, Utah Construction & Mining Co.; M. B. Folsom, director, Eastman Kodak Co.; Bowman Gray, chairman, R. J. Reynolds Tobacco Co.; Elisha Gray, chairman, Whirlpool Corp.; Earle V. Grover, chairman, Apex Steel Corp., Ltd.; Joel Hunter, president, Crucible Steel Co. of America; Wayne A. Johnston, president, Illinois Central Railroad; Philip M. Klutznick, former U.S. Ambassador to the Social and Economic Council, United Nations; president of Klutznick Enterprises; Armand May, president, American Associated Companies; William E. Robinson, former chairman, the Coca Cola Co.; Herman Steinkraus, retired president, Bridgeport Brass Co.; former president, Chamber of Commerce of the United States; president of the American Association for the United Nations; James Symes, chairman, Pennsylvania Railroad Co.; J. Cameron Thomson, former chairman, Northwest Bancorporation; David J. Winton, chairman, Winton Lumber Co.

Mr. THURMOND. Madam President, the second full page advertisement, "We, Too, Protest," which appeared in the Washington Post on June 27, 1963, is another of the persistent attempts to discredit Mr. Diem, President of South Vietnam and to force the United States to leave South Vietnam and, in fact, all of southeast Asia to the Communists. As usual this type of propaganda is again based upon half truths.

Mr. Diem has been able to stem the tide of communism against repeated and powerful onslaughts by the combined Communist regimes of the U.S.S.R., Communist China, and North Vietnam.

Very little evidence has been produced on the denial of religious freedom, and this only in vague terms. Little has been written on what the actual Buddhist grievances have been and very little on the attempts to settle this matter.

Our country's aid to South Vietnam has been to stop the march of communism toward their goal of world domination. To stop communism and save southeast Asia is in our own national interest.

The crop-destroying chemicals criticized in the ad have been used to destroy foliage in areas infested by Communist guerrillas. The immorality twist given by the ad is an extension of Communist propaganda in a very skillful manner. Perhaps these gentlemen should have checked with the U.S. Army on the truth concerning the so-called crop-destroying chemicals.

The herding of people into "strategic hamlets" in South Vietnam is a protective device against Communist guerrillas. The sponsors of the advertisement neglect to place the blame on the true culprits—the Communists.

As for the unjust, undemocratic, and unstable regime, this is again a clever extension of Communist propaganda. The "universally regarded" is a clever, vague propaganda term. I will agree that Mr. Diem's regime is universally regarded as unjust, undemocratic and unstable from the Communist point of view.

As for, "the fiction that this is fighting for freedom," what would these gentlemen suggest in a country fighting for survival: free elections Communist style or recognition of the Communist guerrillas controlled by the Hanoi-Peiping-Moscow axis?

These alleged protests in public and within our country against Mr. Diem are largely unfounded, unwarranted and aid and abet the Communist enemy. The four protest points made in this ad are so similar to Communist propaganda that they cast serious doubt on the judgment of these gentlemen, regardless of their intentions or motivations.

Madam President, I ask unanimous consent that this advertisement be printed at the conclusion of these remarks.

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

[From the Washington (D.C.) Post, June 27, 1963]

WE, TOO, PROTEST

We, American clergymen of various faiths, also protest. We protest:

1. Our country's military aid to those who denied him religious freedom.

2. The immoral spraying of parts of South Vietnam with crop-destroying chemicals and the herding of many of its people into concentration camps called "strategic hamlets."

3. The loss of American lives and billions of dollars to bolster a regime universally regarded as unjust, undemocratic, and unstable.

4. The fiction that this is "fighting for freedom."

Rev. Dr. Judah Cahn, Rabbi, Metropolitan Synagogue, New York City; Rev. Dr. Harry Emerson Fosdick, Minister Emeritus, Riverside Church, New York City; Rev. Dr. Donald Szantho Harrington, Minister, Community Church, New York City; Rev. Dr. John Haynes Holmes, Minister Emeritus, Community Church, New York City; Rev. Dr. Edward E. Klein, Rabbi, Stephen Wise Free Synagogue, New York City; Rev. Dr. Julius Mark, Rabbi, Temple Emanuel, New York City; Rev. Donald W. McKinney, Minister, First Unitarian Church, Brooklyn, New York; Rev. Dr. Reinhold Niebuhr, Professor Emeritus, Union Theological Seminary, New York City; Rt. Rev. James A. Pike, Bishop of California; Rev. Hozen Seki, Minister, Buddhist Church, New York City, and Rev. Dr. Ralph W. Sockman, Minister Emeritus, Christ Church (Methodist), New York City.

(Organizations listed for purposes of identification only.)

Mr. KUCHEL. Madam President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senate will state it.

Mr. KUCHEL. What business pends before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is still in the morning hour.

Mr. KUCHEL. Madam President, if there is no further morning business, may the morning hour be closed?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

AMENDMENT OF DISTRICT OF COLUMBIA REDEVELOPMENT ACT OF 1945

Mr. KUCHEL. Madam President, I move that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 628) to amend the District of Columbia Redevelopment Act of 1945.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

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

ORDER OF BUSINESS

Mr. JAVITS obtained the floor.

Mr. JAVITS. Madam President, I ask unanimous consent that I may yield to the Senator from Pennsylvania [Mr. CLARK] for 10 minutes, without losing my right to the floor.

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

THE MANPOWER REVOLUTION AND THE CANCER OF JOB DISCRIMINATION

Mr. CLARK. Madam President, on behalf of Senators MANSFIELD, RANDOLPH, PELL, KENNEDY, JAVITS, PROUTY, and myself, I introduce, for appropriate reference, amendments to the Manpower Development and Training Act which carry out the recommendations contained in the President's civil rights message of June 19.

I ask unanimous consent that the text of the bill may 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 Pennsylvania? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. CLARK. Madam President, I ask unanimous consent that the bill may lie on the desk, for additional cosponsors, until a week from today.

Madam President, since there are amendments to the Manpower Development and Training Act, which in turn came from the Committee on Labor and Public Welfare when it was first passed, I ask unanimous consent that the bill may be referred to the Committee on Labor and Public Welfare.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested, and be referred to the Committee on Labor and Public Welfare.

The bill (S. 1831) to amend the Manpower Development and Training Act of 1962, introduced by Mr. CLARK (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. CLARK. Madam President, the bill deals with one of the most explosive and tragic problems haunting the country today—youth unemployment; particularly that unemployment which oppresses young and unwitting victims of racial discrimination.

No issue harbors graver dangers for the American future; none poisons our national conscience more; none is more wasteful of our national wealth. To provide the opportunities for useful citizenship—which means, in the final analysis, the right to a job—is not a matter of civil rights only. Nor is it solely a matter of justice. The right to work, in keeping with one's talents, is the basis for all other rights in our society. It is a right imbedded in the American experiment. It was formalized in the Employment Act of 1946. And our failure to make that right a reality for every American youth betrays the promise implicit in our civilization. In its most tragic form it betrays those culturally deprived youths who, for reasons which have nothing to do with their own abilities, must struggle through life under the heavy burden of prejudice and discrimination with no opportunity to make their own contribution to the progress of society.

For more than a month now, the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare has been engaged in a prolonged study of the Nation's nagging unemployment problem. While the diagnosis remains incomplete, some of the causes are already clear. One of the most acute sources of joblessness in America today is our failure to give substantial numbers of young people the skills, education, and the experience to compete in an economy which is changing profoundly in the kinds of talents and skills it requires. We are in the midst of a "manpower revolution" in which the terms of successful employment are far different from those of the past. The jobs of the future will not be pick and shovel jobs. They will require skill, literacy, adaptability—assets which can be provided only through adequate educational opportunities and training. Unfortunately, minority youths raised in poverty and squalor are all too often short on precisely that educational background they would need to compete for a job under even normal conditions.

Unemployment among youths is three times that among adults. And among the victims of discrimination it is twice as high as among all others.

The bill introduced here today attempts to deal with but a part of this awesome problem. There is no single panacea, no easy answer to youth unemployment. Its cure lies, in the main, in educational opportunity.

The amendments to the Manpower Development and Training Act modify that important program in several respects in order to meet the problem of unemployment among educationally deprived minority groups and youth:

TRAINING FOR FUNCTIONAL LITERACY AND WORK SKILLS

The bill would add a new subsection (h) to section 202 of the Manpower Development and Training Act so that many who are unable to participate because of a lack of basic education will be given the requisite literacy, and would then be able to pursue the courses of occupational training available under the present terms of the act. There are at the present time 300,000 functional illiterates walking the streets, looking for work and willing to work.

Referrals to these special educational courses would be considered as referrals within the present meaning of the act. An additional 52 weeks of training allowances are authorized since many of the participants will need more than 1 year of combined training and basic education in order to meet the training

purposes of the act. Certain perfecting amendments are proposed for sections 231, 302, and 305 of the act to carry out the purposes of this provision, and to enable State education agencies to provide the necessary programs.

LOWER AGE LIMITS FOR PARTICIPATION IN THE MANPOWER DEVELOPMENT AND TRAINING PROGRAM

The bill also amends subsection (c) of section 203 of the act to expand the possibilities of training youth under the program. It does this by lowering the eligible age limit from 19 to 16. The amendment increases from 5 to 15 percent the amount of total training allowances provided by the act which may be allocated to the training of young people. This more accurately reflects the proportion of this age group among the total unemployed and will permit us to reach more of those in most acute need of training for employment.

In his message the President asked for additional funds to take care of the expanded employment programs he recommended. The amendments introduced today do not include any new monetary authorization. This is because other legislation before Congress might affect the sums necessary. This applies particularly to S. 1716, introduced by Senator RANDOLPH on behalf of Senators MCNAMARA, PELL, KENNEDY, MCINTYRE, and myself on June 13. That bill would extend full Federal funding of programs under the Manpower Development and Training Act an additional year in order that more States and communities may participate.

The Employment and Manpower Subcommittee, which I chair in the Committee on Labor and Public Welfare, will begin hearings on S. 1716 and today's amendments to the Manpower Development and Training Act, starting Tuesday, July 17. Should the amount of newly authorized funds necessary become clear at that time, the subcommittee will consider steps to provide them.

Following action on these bills, the subcommittee will then proceed to hold hearings on S. 773, S. 1210, and S. 1211, all of them fair employment practices legislation. It is my hope that Senator HUMPHREY will have introduced similar legislation for consideration by the subcommittee at the same time.

No one maintains for a moment that this legislation—or any Federal legislation—will solve the problems of employment discrimination and youth unemployment by itself. But there are many things the Congress must do to help.

Certainly, one of them must be to extend the Juvenile Delinquency and Youth Offenses Control Act of 1961 so that some American cities are afforded the opportunity, with Federal help, to deal for the first time on a comprehensive basis with the problems of idle youth.

President Kennedy set forth the problem clearly in his civil rights message when he pointed out that the dangerously high levels of unemployment among Negro youth create "an atmosphere of frustration, resentment, and unrest which does not bode well for the future. Delinquency, vandalism, gang warfare, disease, slums, and the high cost of public welfare and crime are all directly related to unemployment among whites and Negroes alike." "There is little value," the President stated, "in a Negro's obtaining the right to be admitted to hotels and restaurants if he has no cash in his pocket and no job."

The juvenile delinquency demonstration program affords a unique opportunity to provide new educational and cultural settings for idle youths in which they can find their way to gainful employment and the full rights of citizenship.

For this reason, I shall introduce—with the cosponsorship of other Senators—an extension of the present delinquency program within the next few weeks.

I agree with the President, however, when he said last March in Chicago that there is no single magic solution to our manpower problems.

Action is required on many fronts.

Public opinion is only beginning to awaken to the monumental employment challenge which lies ahead.

We have reared a technology capable of supplying an increasing share of society's material needs without corresponding increases in the levels of employment required to manufacture them. We have moved from a blue-collar to a white-collar economy.

We need only look at the statistics to see what the future holds.

At present the economy has surprised the economists. It is still on the rise 28 months after the last recession hit bottom in February 1961. The recovery has outlived the life expectancy of every business upturn since the end of World War I, and there is every prospect these trends will continue until the end of the year. It is true that our growth rate is far from sufficient, but: The gross national product has broken loose from the 1960 plateau and increased by $8.3 billion in the first quarter of the year.

In May, personal income increased by $2 billion.

Although corporate profits have failed to match the unusually high levels of late last year, they were still up $3 billion in the first quarter of the year.

New investment in plant and equipment is expected to rise another 5 percent during the remainder of the year.

And here is the paradox: while the economy climbs, employment stagnates. While more and more goods are produced and the general level of affluence rises, we fail to match these increases with corresponding increases in new job opportunities.

As a result, unemployment, seasonally adjusted, stands at 5.9 percent of the Nation's labor force, a figure which has remained practically stable for 5 years. Unemployment in the midst of plenty.

Increases in productivity through technological and other improvements displace about 1,400,000 workers each year. In addition, new entrants coming into the labor force have swelled by a million over the number entering last year, and this will continue through 1970. At present, we must provide in the neighborhood of 2,400,000 new jobs each year.

We are failing to meet that goal by a wide mark. The number of new jobs created has dropped from about 900,000 per year 10 years ago to about 500,000 per year over the last 5.

To absorb those displaced by advancing technology, as well as the ballooning numbers of new workers from the "war babies" generation, the Nation would have to have a prolonged growth rate of between 5 and 6 percent—a rate of growth we have never realized for prolonged periods of time.

Aggravating the challenge is the changing nature of the labor force our economy requires.

Throughout most of human history, the overwhelming majority of workers found employment among the unskilled tasks in agriculture and manufacturing. Education was important, but as a requisite for earning a livelihood it was essential only to the more skilled occupations and professions.

Today, repetitive labor is increasingly relegated to machines. Equally disturbing, a good bit of accounting, bookkeeping, and other white collar chores can also be left to machines.

More and more the demand is for human labor to do those things machines cannot do. And to satisfy these needs a new kind of labor force is required.

This is the "manpower revolution." This is the challenge before us. And there are no easy answers to it.

Mr. President, I ask at this time unanimous consent to insert in the RECORD the report of the AFL–CIO entitled "The Coming Crisis—Youth Without Work."

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

THE COMING CRISIS: YOUTH WITHOUT WORK

When young people reach working age, they are at an important stage in their lives. It is the time to begin developing some work experience and skills. It is the time to assume a greater understanding of the responsibilities of being an adult and a member of a community. They are no longer children. For many, it is a time of marriage and the start of their own families.

These are important, formative years. It is a time when their ideas and attitudes—toward life and toward society—begin to take on a permanent mold. But without a decent opportunity to get started—without jobs—the ideas and attitudes developed during these formative years are bound to be twisted by the disappointments and frustrations they suffer.

It is for this reason that the problem of unemployment among young people warrants special attention. Jobless, disappointed youths quickly grasped at the solutions offered by Hitler. They provided a good base upon which to build the Nazi movement in prewar Germany.

Any totalitarian movement, be it Nazi, Fascist or Communist, directs its efforts toward those who have grievances, whether real or imaginary. And in the United States, in the years ahead, the grievances of our rapidly expanding youth population can be quite real indeed, if they are denied a reasonable chance for jobs.

The dangers of large scale unemployment among youths is not only a matter of economic hardship and deprivation and wasted manpower. Even more important is the fact that it represents a potential threat to society, not only in street gangs, crime, and delinquency, but in even more serious

forms. It can become a threat to our way of life, not only from the young people who are unemployed, but from the adults who today are passing through the years of their youth without a decent opportunity to get started in life. It is, therefore, only logical to be vitally concerned over the prospects for the future, with 26 million youngsters entering the labor force during this decade.

During the 1960's the United States will feel the impact of the largest labor force increase for any 10-year period in its history.

By 1970, the labor force will total 85.5 million—a rise of 12.6 million or 17 percent over 1960, according to Department of Labor estimates.[1] Of even greater significance, however, is the tremendous increase in the number of young people who will be seeking work for the first time.

Almost one-half the total increase in the labor force during this decade will be youths 24 years of age and under. In 1970, there will be nearly 20 million young men and women in the work force. In 1960, there were only 13.7 million.

In other words, while the total labor force is growing by 17 percent, the number of youths in the labor force will be increasing by 45 percent—nearly three times as fast. By way of contrast, in 1960 there were only 400,000 more youths in the labor force than in 1950.

All told, between 1960 and 1970, 26 million young people will enter the labor force to seek work for the first time. Between 1950 and 1960, only 19 million did so.

The sharp rise in the number of young workers in the 1960's is the result of the baby boom of the 1940's, particularly after the end of World War II. Previously, during the years of the great depression the United States had a low birth rate. As a result, the number of young people who entered the labor force during most of the 1950's was relatively low—less than 2 million each year.

The number of young men and women entering the labor force began to rise during the late 1950's and has been rising ever since. It will continue to move up in the years ahead as more of the babies of the 1940's become young adults.

In 1960 over 2 million new young workers entered the labor force for the first time; in 1965 there will be over 2.5 million; in 1970, 3 million. Furthermore, the high birth rate of the 1950's makes it certain this level—3 million new young workers each year—will continue beyond 1970.

This big expansion in the number of young people in the labor force, when considered in combination with the present high rate of unemployment among young workers, is cause for concern. Unemployment currently is very high for the labor force as a whole, but it is two to three times worse for young people. And with 26 million new young workers entering the labor force in the 1960's, unemployment can become a dangerously explosive problem in the next few years.

YOUTH UNEMPLOYMENT IN 1962

In 1962, the unemployment rate for the country as a whole was 5.6 percent. But that figure is nothing more than an average—the average of the impact of unemployment on all workers in the labor force—men and women, the skilled and unskilled, the self-employed and the wage earners, the young and the old, the white and the nonwhite. For some groups, the unemployment rate was less than 5.6 percent, and for others it was more. And in the case of young people under 25 years of age who generally suffer from a lack of skill and experience, it was considerably more.

Although the labor force includes boys and girls who are 14 and 15 years of age, as a practical matter there are relatively few of these youngsters in the workforce. By and large, those of this age group who are in the labor force are part-time workers, employed outside of school hours. Compared to older youths, these youngsters have relatively low unemployment rates—7.3 percent for boys and 6.7 percent for girls.

The picture changes sharply, however, for teenagers between 16 and 19 years of age. For them, the unemployment rate in 1962, for both boys and girls, was over 14.5 percent—nearly three times the rate for the full labor force. About one out of seven of these teenagers was unemployed in 1962.

It is this age group, 16 through 19, that makes up the vast majority of new young workers seeking jobs for the first time. Most, of course, are high school graduates, but many are school dropouts who leave at the first opportunity—at 16 years of age or soon thereafter.

For youths between the ages of 20 and 24, the unemployment rate declines as compared to 16 to 19-year olds. In the 20- to 24-year age group are young people who have graduated from college and who have, of course, reasonably good chances for employment. And those in this age group who have graduated from high school, or dropped out, already have been in the labor market several years. As a result, they have accumulated some work experience and some skills which enable them to fare better than those under 20 years of age. Last year, the unemployment rate for the 20- to 24-year old youths, both men and women, was about 9 percent—somewhat less than double the rate of 5.6 percent for the Nation as a whole.

Within each of these age groups, as is true of older groups as well, there are wide variations. Unemployment is more frequent among youths with less education and among those who are nonwhite—that is, Negro, Indians, Orientals, Filipinos and other darker-skinned people.

The net effect of these high rates of unemployment among young people was that 1.4 million youths between 16 and 24 years of age were counted as unemployed in 1962. This was more than one-third of the total unemployment in the Nation—4 million—although these young people accounted for less than 17 percent of the labor force. Taken as a group, the unemployment rate for youths 16 through 24 years of age was 11.3 percent—double the rate for the labor force as a whole. This means, of course, that one of every nine youths in this age group who were in the labor force was unemployed.

Some of them, of course, were still in school and were looking for part-time work only. The vast majority, however, were seeking full-time jobs.

More important than the number of young people who were seeking part-time jobs is the number of youths who were working parttime and who wanted full-time work but could not find it. In 1962, there were over 400,000 youths between 18 and 24 years of age who were working parttime in nonfarm industries, involuntarily. About 170,000 of them were on short workweeks, although their jobs were normally full time. In addition, nearly 250,000 had jobs in which they regularly worked only parttime because this is all the job called for—but they would have taken full-time jobs if they could have found them.

Even these figures—that is, the high rate of unemployment and the forced part-time employment—do not tell the full story of the failure of the economy to measure up to the job needs of America's young people. Persons are counted by the Government as unemployed only when they are actively looking for work. However, when jobs are scarce—as they have been during recent years—many who want jobs do not bother to look for work because they are discouraged and feel it is hopeless. Such persons are considered not in the labor force and, therefore, they are not counted as unemployed, even though they would take jobs if they could find them.

It is difficult to determine the exact number of people who fit this description. But in 1962 there were nearly 400,000 young men and women—mostly young men—between the ages of 16 and 24 who were not in school, not at work and not keeping house and not seeking jobs, even though they were physically able to work. They were not in the labor force and no doubt account for the thousands upon thousands of youths who were just hanging around.

Thus the situation is much more critical than even the high unemployment rate suggests. Even after eliminating those unemployed youths who were still in school and looking only for part-time work, it is a safe guess that approximately 1.5 million youths 16 to 24 years of age were out of school and out of work last year—over 1 million counted officially as unemployed and some 400,000 who were no longer in the labor force. And when those who were forced to work part-time simply because full-time jobs were not available are included, it would appear that nearly 2 million young people in America were unemployed or underemployed in 1962.

THE SOCIAL DYNAMITE

With the tremendous boom in the Nation's youth population during the current decade, there is no telling what youth unemployment might total by 1970, when there will be 20 million youths in the labor force. Large-scale unemployment among the younger generation can have disastrous results. Even now, as has been suggested by Dr. James Conant, former president of Harvard University, youth unemployment has all the makings of social dynamite.

Street gangs, delinquency, and crime already have become major problems in many of the Nation's cities. There can be no doubt that this antisocial behavior is rooted in large-scale unemployment and the deprivation and disappointment that go with it. Without jobs, it is too much to expect that the unemployed young people will be constructive members of the community. Rejected by the society in which they live, they rebel against it and society pays the price. Few American cities are free of this burden.

In New York City alone, a report to the mayor in 1962 estimated that 75,000 young men and women under 25 years of age were out of school and out of work.

Shocking as this may sound, it adds up to a very conservative estimate when placed next to some of the findings of the National Committee on Children and Youth. In reporting on one of the metropolitan communities, Dr. Conant described the situation in these words:

"In a slum area of 125,000 people, mostly Negro, a sampling of the youth population shows that roughly 70 percent of the boys and girls between ages 16 and 21 are out of school and unemployed. When one stops to consider that the total population in this district is equal to that of a good size independent city, the magnitude of the problem is appalling and the challenge to our society is clear."

Similarly, a recent study of graduates of a large Detroit high school discovered that, 3 years after graduation, nearly 50 percent of the class not only was unemployed but had had no work experience at all since leaving school 3 years earlier.

While youth unemployment, like unemployment generally, is especially heavy among Negroes, it is not limited to nonwhites only. Whites in the labor force far outnumber the nonwhites. Basically, it is

[1] The labor force includes all persons 14 years of age and over who are (1) working or (2) are unemployed and seeking work. The labor force increases each year because there are more entrants into the labor force than there are those who leave it through death, retirement or other reasons.

a problem of inadequate job opportunities for all young people, white or nonwhite. And with the rate of increase in the youth population in this country during the current decade, this can have implications that go far beyond the antisocial behavior of crime and delinquency.

IMPACT OF AUTOMATION

Given the performance of the U.S. economy over the last 10 years, during which unemployment has doubled, there is little cause for optimism over the future. Not only has unemployment increased substantially but so has part-time employment. While total employment—full time and part time—rose by less than 6 million in the United States between 1953 and 1962, at least 50 percent of the total was in part-time employment only.

Without a boost in economic activity in the years ahead, youngsters will find it exceedingly difficult to secure decent jobs, especially in an era of increased use of automation for which workers must have more education and training than in the past.

The plain fact is that, for the modern labor market, not enough of them will go to college and too many of them will be school dropouts, while the increased use of automation will be causing employers to seek a more educated and a more skilled work force. It is true a greater proportion of youths are staying in school longer and the percentage of dropouts will decline. But it also is true that during the 1960's—with 26 million young people new to the labor force—about 30 percent of all the new young workers, some 7.5 million, will be school dropouts.

Increasingly, the job market is for scientists, engineers, technicians, skilled workers, and professionals, occupations which require college or some other form of advanced training and/or experience; or for less skilled white-collar occupations—typists, clerks, salesmen—for which many of the youths, and especially the school dropouts, are not readily qualified.

The problem of job opportunities for young people, something which is a problem even when jobs are plentiful, has been aggravated by these employment shifts in the economy. More and more manpower is being devoted to providing services and relatively less to producing goods. As a consequence, many jobs which formerly offered youngsters their first employment experience, such as production and maintenance jobs in manufacturing, have disappeared.

Between 1953 and 1962, the number of production and maintenance workers in manufacturing fell from 14 million to 12.4 million, a loss of 1.6 million jobs, and the trend has been the same in other goods-producing industries.

Over the same period, employment in agriculture has been reduced to 5.2 million, a decline of nearly 1.5 million jobs. Although farming is still a source of employment for many youngsters, it is a shrinking one. And many of the jobs it provides are only part-time, on family farms where productivity is low and where the family is barely eking out a living. For many young people, it is something they fall back on simply because they cannot find regular, full-time employment in the city.

In bituminous coalmining, another goods-producing industry which formerly provided many with their first work experience, employment has declined by over 250,000 since 1948.

Actually, the only major goods-producing industry in which employment has not decreased is construction. But here it has not increased much either. Between 1953 and 1957 total employment in construction rose by 300,000—but since 1957 it has declined 200,000. And many of these jobs require skills that youngsters, just out of school, simply do not have.

While employment has been dwindling in the goods-producing industries, such as manufacturing, mining, and agriculture, which employ predominantly blue-collar workers, the reverse has been true for those industries which employ mainly white-collar workers. In wholesale and retail trade, in finance and insurance and in government, employment has been rising—not enough to meet the demand for jobs from a growing labor force—but nevertheless rising. Similarly, there has been an increase in white-collar jobs in manufacturing, such as professional, clerical, technical, and sales, although not nearly as much as the decline in the number of blue-collar jobs.

In recent years the impact of automation also has been felt in the industries employing mainly white-collar workers. In warehousing, in retailing, in insurance and in public utilities, for example, many of the operations have been automated and apparently this trend will continue. As a result, employment growth in these industries has slowed down. And, as in the goods-producing industries, the increased use of automation has meant the elimination of many of the unskilled and semiskilled jobs on which the young, inexperienced workers could depend for their first work opportunity.

The shift of employment away from goods-producing industries and over to those industries which provide services also has led to an increase in the number of jobs in those industries providing a variety of miscellaneous personal services. These range from beauty shops, to restaurants, to car washes. And while they provide some opportunity for low-skilled employment, many of the jobs are only part-time, as is true of a good number of the jobs in retail trade.

Furthermore, a fact frequently overlooked in connection with the shift of employment over to service-type industries is the additional burden it represents for the school dropout, even in the unskilled occupations in these expanding industries. If he left school early and is unable to write, he cannot be a waiter; and if he cannot do arithmetic with some accuracy, he may find it difficult to get a job as a gas station attendant where he must make change.

The unskilled jobs—in the factories, in the mines and on the farms—that do not require much reading, writing and arithmetic are disappearing. And in their place are the jobs—even the unskilled jobs—which require these abilities. Yet 7.5 million young people will be dropping out of school during this decade and no doubt many of them will not be able to read, write or do arithmetic well enough even for employment in unskilled occupations.

Employment and unemployment of youths, 14 through 24 years of age, 1962

[In thousands, except percent]

	Age—					
	Men—			Women—		
	14 to 15	16 to 19	20 to 24	14 to 15	16 to 19	20 to 24
Civilian labor force	780	2,769	4,279	460	2,146	2,803
Employed:						
Farm	197	413	293	49	70	50
Nonfarm	518	1,949	3,605	380	1,763	2,498
Total	715	2,362	3,898	429	1,833	2,548
Unemployed	65	407	381	31	313	255
Unemployment rate (percent)	8.3	14.7	8.9	6.7	14.6	9.1
Part-time workers in nonfarm industries who wanted full-time work	(1)	[2]215	141	(1)	[2]141	95
Dropped out of labor force [3]	30	156	125	27	72	43

[1] Not available separately.
[2] Includes 14- to 15-year olds.
[3] Average for year (excluding June, July, August, and September) of those not in school, not keeping house, and not at work although physically able to work.

Source: U.S. Bureau of Labor Statistics.

Occupations of high school graduates and dropouts,[1] age 16 through 24, 1960 and 1961

[In percent]

	Men		Women	
	Graduates	Dropouts	Graduates	Dropouts
Professional and technical workers	0.9	1.3	2.7	2.0
Farmers and farm managers	2.3	.6	----------	----------
Business owners and managers	3.4	.6	0.1	----------
Clerical workers	12.5	4.8	63.8	17.0
Sales workers	4.2	2.2	5.6	9.5
Craftsmen	11.7	4.5	.3	----------
Semiskilled workers	32.8	33.3	8.5	14.3
Private household workers	----------	1.3	4.1	19.0
Service workers, except household	6.0	9.3	11.4	21.8
Farm laborers	10.0	20.5	3.2	16.3
Nonfarm laborers	16.2	21.5	.3	----------
Total	100.0	100.0	100.0	100.0

[1] As of October 1961.

Source: U.S. Bureau of Labor Statistics.

THE DISADVANTAGED DROPOUT

The sum total of these employment shifts in our economy is making it more and more difficult for young people to find employment.

For those who go on to college, the job outlook is, of course, good. At the other extreme—for the school dropout—it is bleak because even high school graduates find it exceedingly difficult to gain the first foothold in the labor market.

It is often assumed that those who drop out of school are not good students. This is not always the case, for many of the drop-

outs apparently are of average, or above average, intelligence. They leave school for many reasons—because they do not like it or because they are failing in their studies or because of the need to go to work or because of marriage.

In a special study[2] covering seven cities, the U.S. Bureau of Labor Statistics found that over half of the high school dropouts—54 percent—were of at least average intelligence. While this number was well below that for the school graduates—79 percent of whom were generally found to be of average intelligence or higher—it does indicate a substantial portion of school dropouts are capable of doing satisfactory school work. By quitting school, however, the dropout not only shuts the door on further formal education but also on any real opportunity in the job market. This fact is borne out by reports of the U.S. Bureau of Labor Statistics, which conducts surveys each October on the labor force experience of recent high school graduates and dropouts.

In October 1961, 4 months after they graduated from high school, 18.5 percent or nearly one of every five of the boys who did not go on to college were unemployed. They totaled 55,000. This is, of course, a very high rate of unemployment and should be a source of considerable concern.

A source of even greater concern, however, is that the unemployment rate among those who dropped out of school in 1961 was 28 percent—42,000 out of 179,000 or nearly 3 of every 10.

With such difficulty in finding jobs, it is not surprising that discouragement takes hold and many young people stop looking for work. They simply leave the labor force even though they may want to work. Accordingly, in addition to those boys who were officially counted as unemployed in October 1961—the 55,000 graduates and the 42,000 school dropouts—there were an additional 48,000 who graduated from school in 1961 and 29,000 who had dropped out who were out of the labor force by October.

As these figures indicate, the dropout is at a distinct disadvantage as compared to the high school graduate. And this disadvantage is not remedied by the passage of time. The handicap remains. Consequently, of the young men who had dropped out of school in 1959, more than one out of six was unemployed in October 1961. In contrast, among those who had graduated high school in 1959, only about 1 out of 14 was unemployed in October of 1961.

The disadvantage of the school dropout, as compared to the high school graduate, is not limited to more frequent unemployment. He must also face the prospect that, when employed, it will frequently be in occupations which are not only low paying and unskilled, but which also are often just part-time jobs.

Although forced part-time employment has been an increasing problem for the entire economy over the last 10 years, it is the school dropout who, apparently, is most apt to suffer this fate. In October 1961, among those who had graduated high school that year, and who were employed in nonfarm industries, less than 8 percent were working part-time involuntarily. On the other hand, among the 175,000 youths who had dropped out of school in 1961, and who were employed in October of that year, 40,000—more than 20 percent—were compelled to work only part-time because they could not find full-time jobs.

The explanation of the high proportion of part-time work among school dropouts can be traced to the types of jobs in which they managed to find employment. For example, among the boys who dropped out of school in 1960 or 1961, over 50 percent of those who were employed in October 1961 were found working as farm and nonfarm laborers or in service occupations, which would include gas station attendants, messengers, busboys, etc. These are occupations in which part-time work is frequently the norm. In contrast to this, the majority of the employed youngsters who graduated high school in 1960 and in 1961 were working outside these occupations in October of 1961.

The same pattern holds for young girls. Nearly two-thirds of the girls who graduated high school in 1960 and 1961, and who were at work in October 1961, were employed in clerical occupations. Among the girls who had dropped out of school during those 2 years, nearly 60 percent of those who were employed were working at farm labor jobs and in service work, including private household work—occupations in which part-time work is quite usual.

Because the dropout is often unemployed and because he frequently can find only low-paying and part-time work, he has less income in comparison with those workers who graduated school. Indeed, in the job market, education is worth money because there is a direct relationship between income and education of workers.

The BLS seven-city study of the work experience of high school graduates and dropouts showed the earnings of the graduates were considerably above those of the dropouts. According to that study, at the time they were interviewed only 15 percent of the young men graduates were earning less than $50 per week, while 44 percent of the school dropouts were earning below that amount.

Similarly, among the girls the graduates fared much better than the dropouts. Fifty percent of those who graduated high school were earning less than $50 per week, but among those who dropped out of school there were 82 percent whose weekly income was less than that amount.

The money advantages of more education also are shown by the income reports for the population of the United States. According to the U.S. Bureau of the Census, (1) men with less than a high school education have annual incomes below the national average and (2) men with a high school education or more are above the national average. In 1961, while the average income for the year for all men was $4,189, those who had not attended high school at all averaged $2,651; those with some high school averaged $3,865; those who graduated high school averaged $5,052; and those with 4 years of college averaged $7,261.

However, because of the impact of racial discrimination on employment opportunities, the income of nonwhite workers was less than it was for white workers, given the same amount of education. Nonwhite men found it necessary to have more than a high school education in order for their incomes to be above the national average. At the same time, white males were able to surpass the national average with only a high school education.

RACIAL DISCRIMINATION

As these figures on the incomes of workers suggest, nonwhites in the labor market have a very special problem. Forced into crowded slums and lacking in equal opportunity to compete on the basis of ability, too many nonwhite youngsters are being robbed of any motivation to stay in school. A high percentage are not completing their education. In 1961, there were 102,000 nonwhite graduates from school while 71,000 dropped out. In contrast, among the whites, for each dropout there were 3 high school graduates. And inevitably this lack of education leads to a higher incidence of unemployment.

In 1961, for example, the unemployment rate for nonwhite boys ages 14 to 17 was 25.4 percent. For white boys of the same age, it was half that amount—13.3 percent.

This pattern of discrimination in employment starts with the youngster's entry into the labor force, as evidenced by the unemployment rate for the 14- to 17-year-old nonwhite boys, and it remains. Accordingly, the unemployment rate for nonwhite young men who had graduated high school in 1959 was 16.7 percent—one out of every six—in October 1961. At the same time, the unemployment rate for the white youths who had also graduated in 1959 was only 7.2 percent.

In addition to more opportunities for unemployment, nonwhite youths when employed have fewer opportunities to break out of unskilled occupations, even though they graduate from high school. As a consequence in October 1961 nearly one-half of the nonwhite young men between 16 and 24 years of age, who had graduated school before 1959, were found in occupations requiring few skills. They were in service work and performing labor jobs, which are often part-time work at low wages. On the other hand, less than 20 percent of the white young men who had graduated before 1959 were found in these occupations.

The picture painted by these statistics is an ugly one, but even more disturbing were the findings of the special studies conducted by the National Committee for Children and Youth. This is how Dr. Conant described the situation in one city, where the problems of discrimination and school dropouts interact:

"In a slum section composed almost entirely of Negroes in one of our largest cities the following situation was found: A total of 59 percent of the male youth between the ages of 16 and 21 were out of school and unemployed. They were roaming the streets. Of the boys who graduated from high school, 48 percent were unemployed in contrast to 63 percent of the boys who had dropped out of school. In short, two-thirds of the male dropouts did not have jobs and about half of the high school graduates did not have jobs. In such a situation, a pupil may well ask why bother to stay in school when graduation for half the boys opens onto a dead-end street?"

And when he drops out of school the cycle starts all over again. He marries and because of the disadvantage of being a dropout, combined with the added disadvantage of being nonwhite, he is unable to provide adequately for his family. They will live in slums and his children, deprived of decent surroundings, may lack the necessary motivation to stay in school, or because of the family's financial situation be forced to quit school for work. And so the cycle starts again for yet another generation.

TOWARD A SOLUTION

If the challenge represented by the tremendous increase in new young workers during this current decade—26 million by 1970, of whom 7.5 million will be school dropouts—is to be effectively met, it will require a full-scale attack on the causes of high unemployment among youths. These causes include the lack of job opportunities, the lack of adequate education and training of youngsters before they enter the labor market, the high rate of dropouts and the existence of discrimination which leads to a denial of equal employment opportunity for nonwhites.

The young people coming into the labor market must be given the opportunity to have decent jobs—fulltime jobs at decent wages—and they must be given the chance to become constructive members of society instead of a social problem loaded with dynamite. At the present rate of progress, or lack of it, they are more apt to be a problem, full of discontent and despair and at war with society.

A truly effective program to combat youth unemployment must include an attack on

[2] "From School to Work—the Early Employment Experience of Youth in Seven Communities 1952–57."—U.S. Bureau of Labor Statistics.

the deprivation and poverty, and the unemployment and underemployment, suffered by their parents and the social conditions which force them into slums. For these are at the roots of the lack of proper motivation for education.

Proper motivation, however, is difficult to establish in slums and in homes in which the major concern is not with long-range plans and hopes, but with the very real problem of the next meal. And the home surroundings are crucial in developing the drive and desire for more education. A youngster is more apt to acquire the right attitude in a home in which education is appreciated and in which the reading of books is the usual thing. But this type of atmosphere is hard to come by in low-income families where there is a feeling of want and despair and constant concern for next week's income.

It is obvious that many boys and girls who quit school would not do so if the family financial circumstances were different. Some are forced to quit because the family urgently needs some added income. Others do so because they want spending money which the family breadwinner cannot provide and because there is no great desire to remain in school or there is even disinterest in education.

What is lacking in motivation from the home can frequently, at least in part, be provided by the school itself. But not in crowded classrooms, where teachers are overworked and where the atmosphere is dingy, if not depressing. Especially for the youngsters who are of at least average intelligence—and over 50 percent of the dropouts are—improved surroundings might have a very beneficial effect in reducing the numbers of dropouts. If the education process could be made more pleasant, in terms of the physical facilities and the quality of instruction, with smaller classes, there can be no doubt that more youngsters could be motivated to continue their education.

For those who are not academically inclined, proper counseling could induce them to stay in school for vocational training, especially if the training made it more certain that a job could be found upon graduation. This means, of course, that vocational education for the potential dropout as well as for those who plan such careers must be improved and updated because much of the training today is for skills now obsolete.

Together with the drive to keep more boys and girls in school longer, rapid progress must be made in the field of equal employment opportunity. Without this, efforts in the area of education will prove futile. If nonwhite youths believe they will face a color barrier, no matter what education they have and no matter how skilled they are, the desire and the drive, the motivation, will be drained from them.

All these efforts, however, will come to naught if there are not enough job opportunities. For this reason, the most urgent need is for an increase in the number of job opportunities. And for this there must be vigorous action by the Federal Government in many areas to stimulate the economy and increase employment—such as a tax cut this year, concentrated among the low and middle-income groups and an expanded public works program to put people to work. In addition, legislation such as the youth employment opportunities bill now moving through Congress is essential to help youth progress from school to work.

YOUTH EMPLOYMENT OPPORTUNITIES BILL

The youth employment opportunities bill is an effort, although a small one, to meet this need. It proposes to establish a Youth Conservation Corps—patterned after the very successful Civilian Conservation Corps of the the 1930's—and a Home-Town Youth Corps. It will enable young people 16 through 21 years of age to perform meaningful work in the field of conservation of natural resources and in public service facilities such as libraries, hospitals, playgrounds, etc.

The bill is, of course, a step in the right direction; it will permit young people to earn a modest income and at the same time to make a contribution to society by the constructive use of their time and energy. In doing so, they will be gaining experience in the simple but very important area of work discipline. At the same time they will be receiving some training. All this activity will help them to make the transition from school to work more easily.

The youth employment bill proposes to enroll in the Youth Conservation Corps up to 15,000 youths during the first year and 60,000 thereafter. For the Hometown Youth Corps, the bill would require each participating State or local agency to match the Federal Government's expenditure and it provides for 50,000 youths during the first year and whatever number Congress decides thereafter.

Compared to the job needs of America's growing number of youths—approximately 2.5 million per year now and 3 million per year by 1970—and the number already unemployed, this bill must be looked upon as an extremely modest effort. It could easily absorb two or three times the number of youths presently planned for. It is to be regarded, therefore, as but a first step.

The cost of the program will be more than outweighed by the contributions in resources, conservation and public service work that these young people will make. Even without this, however, the cost would be money well spent. For society cannot reject its young people without paying the consequences in terms of higher rates of delinquency and crime and the more direct costs associated with continued relief and unemployment.

Mr. CLARK. Madam President, I have cited on this floor on numerous occasions the "political lag" which prevents Congress from coping with urgent problems until they are upon us and we are in crisis.

Today, world civilization is too fast-paced, too much in ferment to be dealt with through politics by crisis. Congress must bring some foresight, some anticipation of future problems, some leadership to bear on national issues if it is to continue to exercise its role.

In no domestic area of concern is this more urgent than in the looming challenging of long term high unemployment.

The piecemeal approach to our national manpower problems will no longer suffice.

I am convinced that there already exists in the executive branch the knowledge and intentions to deal with future unemployment on a comprehensive, unified basis. But this wisdom is tempered by an awareness that the conventional wisdom in Congress is unprepared for any new departures. In the face of crisis, the Congress will continue "business as usual" until shocked out of the legislative doldrums by national protest.

Under such circumstances, the present administration has done a remarkably good job in getting many of the elements for an across-the-board attack on economic stagnation and unemployment on the statute books.

It has recognized the educational and training problems at the base of much of our unemployment problem and brought us the Manpower Development and Training Act. It has espoused a youth employment bill. It has presented us with an omnibus education bill which could go a long way toward meeting the educational demands of the new economy if enacted.

It has recognized the social roots of unemployment. The civil rights program of the President is the biggest jump forward in this field since the Emancipation Proclamation.

It has recognized the particular problems of areas in chronic economic distress by fighting for the establishment of the Area Redevelopment Administration. Through the accelerated public works program, it has paid special heed to the underinvestment in public facilities which makes attempts to rehabilitate depressed regions more difficult.

It has pressed forward with urgent investment programs which get at the physical roots of misery and economic stagnation in our cities.

With last year's Trade Expansion Act of 1962 it has addressed itself to the problems of foreign trade and the rigorous demands placed upon industry and labor by foreign competition.

Finally, it has remained sensitive to the role of Government in the rise and fall of the business cycle and is now attempting to stimulate growth through tax reduction. I hope it will not heed the siren songs of the special interests and abandon the equally important effort to remove hamstringing inequities in our tax laws which prevent the proper functioning of the economy.

All the elements for a frontal assault on retarded economic growth and sluggish employment are here. We have them. All that is missing is the coordination and continuity which is necessary so that these programs may be brought to bear, together, upon the employment and economic problems which confront us.

Other nations — democracies — have and are facing this problem, too. They are not frightened, however, by shadows in the hallway. They have not sacrificed public policy to hollow slogans. They are looking for solutions to the manpower revolution.

Take Sweden, for instance. On Friday of last week the Subcommittee on Employment and Manpower listened to three eminent representatives from that country describe the most comprehensive effort by a Western democracy to contend with unemployment. Appearing were Ernst Michanek, Swedish Under Secretary of Labor; Arne Geijer, President of the Swedish Confederation of Trade Unions; and Berthil Kugelberg, President of the Swedish Confederation of Employers.

To my knowledge, this is the first time witnesses have ever appeared before a congressional committee under the acgis of another government to testify on an American domestic problem. What they taught us was invaluable.

Madam President, I ask unanimous consent that two articles from the Washington Post of March 31 and June 29, both written by Frank C. Porter, be inserted in the RECORD at this point.

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

[From the Washington Post, Mar. 31, 1963]

LITTLE SWEDEN GIVES POINTERS TO CROESUS

(By Frank C. Porter)

A small Scandinavian country of 7.5 million persons is fast becoming an economic model for the world's most prosperous nation and its 185 million population.

The country of Sweden, and Swedish experts in increasing number are coming to the United States in a sort of reverse point 4 program to describe their economic magic.

To the Swedes, it is not magic—only good sense and a unique partnership between labor and management. But it is magic, of a sort, to a nation with 6 percent unemployment, a chronic deficit in international payments, bad labor-management relations, a neurotic preoccupation with flagging growth rates and a pathological fear of automation's effects.

Sweden, on the other hand, holds unemployment to 1.5 percent, has almost eliminated strikes, enjoys a surplus in international payments, holds prices low enough to be competitive in world markets, maintains a satisfactory if unspectacular growth rate, has learned to cope with automation problems and still preserves a free economy. Despite its 30-year Socialist regime, 91 percent of Sweden's productive capacity is in private hands.

REMARKABLE COLLABORATION

The flow of Swedish consultants began at the invitation of Arthur J. Goldberg when he was Labor Secretary. Three top Swedish officials appeared before the President's Advisory Committee on Labor-Management Policy last October. Three more addressed the Committee last week. Others have visited Washington over the past year.

Sweden's economic progress—its living standards and per capita national product are second only to those of the United States—stems largely from the collaboration of two huge, well-disciplined groups. One is the Swedish Employers Federation (SAF), with 16,500 members; the other, the General Federation of Swedish Trade Unions (LO), which includes 95 percent of the blue-collar work force.

In effect, it is an alliance between big business and big labor which conscientiously has kept big government out of its affairs.

The foundations were laid in 1906 when, after years of bitter industrial strife, the SAF voluntarily recognized the unions' right to organize and bargain. The alliance was firmly established in 1938 after 2 years of discussions between leaders of the two groups. They brought forth a remarkable document known as the Basic Agreement.

This provides machinery for central negotiations between the SAF and the LO on an industrywide basis with details worked out at lower levels. Each side disciplines its own members. Jurisdictional disputes are unknown and major strikes are a rarity.

In some ways, this alliance has more power than the government. The basic agreement set up a labor market board with three members from the LO, three from the SAF, and an impartial chairman. This board is the final arbiter in disputes affecting the "public interest," such as strikes in public utilities.

It rules on general questions such as dismissals and layoffs. It encourages labor mobility by paying a worker's moving expenses. It organizes and finances vocational and retraining programs.

LEVER AGAINST RECESSION

To moderate economic downswings, the board can call upon the government to undertake public works projects. It can regulate the flow of housing credit. More important, it sets policy on Sweden's investment reserve funds.

Under this program, industry may allocate up to 40 percent of its profits to a tax-free capital reservoir. Nearly half of these funds are deposited in the state bank to prevent the building up of excess liquidity. If the board determines that a recession threatens, industry may spend these funds on tax-free plant and equipment to help reinvigorate the economy.

Since 25 percent of Swedish production is exported (against 4 percent in the United States), management and labor understand the importance of keeping prices and wages low enough to remain competitive, officials stress. They also point out that Swedish labor welcomes technological change and has not fought automation.

This is in great part due to labor mobility and to the nation's 10-year experience with retraining programs, under which it keeps about 1 percent of the labor force continuously learning new skills.

American officials warn that Swedish methods are not necessarily adaptable to U.S. problems. The very magnitude and diversity of this country and the smallness and homogenity of Sweden dictate different approaches. Sweden does not have our racial problems, our burden as a leader in the cold war, our politically dictated inhibitions.

But it does have a lesson to teach us in industrial relations. Much of Sweden's prosperity can be traced directly to management-labor cooperation. It is not by mere accident that visiting Swedish experts are asked to explain their message before the President's Advisory Committee, which includes such antagonistic figures as Roger Blough, chairman of United States Steel, and David J. McDonald, president of the United Steel Workers of America.

[From the Washington Post, June 29, 1963]

SWEDEN, IT SEEMS, HAS NO LABOR PROBLEMS

(By Frank C. Porter)

On invitation, a tripartite panel of Swedish economic experts testified on Capitol Hill yesterday and left the legislators scratching their heads.

Unemployment?

In Sweden it has held between 1 and 2 percent over the past 20 years, Labor Under Secretary Ernest Michanek told the Senate Subcommittee on Employment and Manpower.

Automation?

Swedish labor embraces it wholeheartedly, said Arne Geijer, president of the Confederation of Swedish Trade Unions (LO).

A managed economy?

Sweden's socialist government interferes very little with private enterprise, which controls more than 90 percent of the nation's industry, explained Bertil Kugelberg, managing director of the Swedish Employers Confederation (SAF).

School dropouts?

"I never heard of any problem of that kind," Michanek replied.

The subcommittee, and members of the House Select Labor Subcommittee who joined it for the occasion, also heard that about 50 percent of Swedes go to college, against 25 percent here, that there has been no major strike for more than a decade despite the absence of compulsory arbitration, and that private employment agencies have been banned for the last 20 years.

The latter point took the American legislators by surprise. They have lately been caught in a crossfire between the U.S. Employment Service and private agencies, which accuses USES of attempting to build a manpower monopoly. What is the Swedish attitude, the members wished to know.

"We feel job placement should be free, without cost," Michanek said. "It should not be handled on a profit basis."

Michanek, Geijer, and Kugelberg are becoming a familiar team in Washington, having traveled here several times to brief Americans on the Swedish system.

They dwelt at length yesterday on how Sweden has achieved full employment, a high production rate, comparatively stable prices, and labor peace through a unique partnership among business, labor, and government.

Chairman JOSEPH S. CLARK, Democrat, of Pennsylvania, hailed this common effort as "the most successful policy of dealing with manpower problems of any country in the world."

He also noted that the methods so well suited to a small, homogeneous nation like Sweden might not be adaptable to such a large, heterogeneous country as the United States.

But there was common recognition among subcommittee members that if the exact Swedish methodology could not be introduced here, the spirit behind it could be.

Looking at Geijer and Kugelberg, Senator JENNINGS RANDOLPH, Democrat, of West Virginia, observed that the comradeship shown by Swedish labor and management sitting together is "very wholesome. Perhaps we should do more of it in this country."

And after Kugelberg praised the Swedish labor unions, Representative ELMER J. HOLLAND, Democrat, of Pennsylvania, who still holds a card in the United Steel Workers, remarked:

"I have never heard any American manufacturer talk like that."

The Swedish officials explained how their national employment service includes labor and business representatives and circulates countrywide job vacancy lists through its 25 regional councils. An ambitious retraining program seeks a simultaneous enrollment of 1 percent of the work force, and labor mobility is promoted through a liberal system of relocation allowances. The impact of layoffs is cushioned by industry agreement to notify the employment service as far in advance as possible.

Mr. CLARK. Madam President, I agree with the President that an increased rate of national growth alone will not solve all of the problems spawned by the manpower revolution. In Chicago, several months ago, the President stated:

Tax reduction alone will not employ the unskilled or bring business to a distressed area, and tax reduction alone is not, therefore, the only program we must put forward. We need to step up our efforts for aid to distressed areas; for the retraining of the unemployed, particularly in those areas where it has been chronic; for more security for the aged; for improving our housing and transportation industries; and for ending race discrimination in education and employment. These are all controversial measures. There may possibly be others that are needed or others that are better, but at least it is a problem that we should all concentrate our attention on and not merely assume that it is going to be settled if we ignore it.

The President has outlined what I believe to be a sound approach to the problems of economic stagnation. I support each of the measures he enumerated in Chicago.

I also believe that we cannot allow the conventional wisdom among a minority of the Congress to forestall a proper attack on these problems.

There is no major bill before Congress at the moment, for instance, which deals

with the enormous problems of our cities where three-fourths of all Americans reside. Within the next few weeks I shall introduce such a bill, with, I hope, the support of other Senators.

There is danger that one of the most successful economic programs of this administration, the accelerated public works program, will die once its present authorization is used up. Therefore, in concert with other Senators, I shall join during the next few weeks in urging an extension of the accelerated public works program until national unemployment drops to 4.5 percent for at least 3 consecutive months.

Ultimately, I hope that the Subcommittee on Employment and Manpower will have more comprehensive recommendations to deal with the cancer of unemployment infecting the heart of America.

It is a curious paradox that while the so-called economizers in Congress keep piling it on for defense, they adamantly oppose dealing with problems here at home. The weakest national defense I know is an economy corroded from the inside ready to cave in under the slightest pressure.

Nothing is more disturbing than to hear talk on this floor of "the most prosperous times in our history." Such talk hides reality in the comfortable ambiguity of a general statistic. It ignores another America where poverty still prevails, where ignorance and disease still exist, where millions cannot find work. It is the America which will drag our affluent society under. It is the problem of this America which must be resolved.

Madam President, I ask unanimous consent that the following articles and transcript be inserted into the RECORD at this time: "Pittsburgh, the Darker Side of the Golden Triangle," New York Times, April 3, 1963; "Unemployment in America," Newsweek, April 1, 1963; "Education Not Meeting Job Needs," Washington Post, April 21, 1963; "Statistics on Jobless Fail To Mirror Nation's Economic Health Accurately," by Samuel Lubell, Philadelphia Evening Bulletin, June 24, 1963; "Seniority and Fringe Benefits Create Wasted Generation of Young Jobless," by Samuel Lubell, Philadelphia Evening Bulletin, June 25, 1963; and a transcript of broadcast of "Edward P. Morgan and the News," ABC, March 28, 1963.

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

[From the New York Times, Apr. 3, 1963]

PITTSBURGH—THE DARKER SIDE OF THE GOLDEN TRIANGLE

(By James Reston)

PITTSBURGH, April 2.—The promise of spring is on the Pittsburgh hills today. The willows stand out soft and green on the grim and wrinkled river slopes, like daffodils scattered on a slag heap. The spectacular roller coaster highways hum with traffic above the Golden Triangle and the sky is stained with copper-colored iron oxide smoke from the great steel mills along the Ohio.

Yet Pittsburgh is not exactly in a hopeful springlike mood. It is a crippled giant immensely powerful but chained by unemployment, potentially a vast unified industrial empire stretching up the river valleys, but actually a politically divided complex of almost 200 different municipal authorities.

All the political, economic, and social problems of urbanized and industrialized America are dramatized here: The conflict of men and machines, the conflict of city and suburban governments, the waste of idle men and machines, the paradox of too few skilled workers and too many unskilled workers in the increasingly automatic factories.

Not since the Korean War in 1951 has there been anything approaching full employment in the four counties of Allegheny, Beaver, Washington, and Westmoreland that make up the Pittsburgh labor area. It was down to 2 percent then. Now it is well above the national unemployment average, with 10.7 percent out of work, and over 20 percent of the steelworkers either unemployed or underemployed.

THE COST OF UNEMPLOYMENT

In Allegheny County alone, there are now 92,675 persons living on relief benefits, 66 percent of them within the city limits of Pittsburgh. And in the four counties, the unemployment total is 97,800.

The expectation of the 1950's that the demand for steel would rise with the gross national product has not been realized. The best peacetime year in the steel business was 1955, with a total production of 117 million tons. This dropped to 85 million in the slump of 1958, and has levelled off in the last few years at around 98 to 99 million.

Oddly, there is not a great deal of grumbling here about the competition of new substitutes for steel or the competition of oversea producers of steel. Nor is there any talk of strike in the air, though the steel workers union could give notice to terminate their open-ended contract any time after May 1.

The economy has simply not created the demand for more steel than can be produced on a part-time work schedule, and neither the steel managers nor the union leaders are very confident that it will under present private and Government policies.

The reaction here to this part-time working life is rather strange. Unemployment is slowly poisoning the community, but like animals that can adjust to deadly poisons or men who can learn to breathe at altitudes they could not at first endure, the steelworkers and their union leaders seem to have adjusted to a diet of part-work and part-relief.

The French coal miners seem to be the only humans on earth who can impress De Gaulle, and the British unemployed, with only half our percentage out of work, storm the House of Commons in protest. But the steelworkers here don't go crazy; they go fishing.

THE POLITICAL IMPLICATIONS

The political implications of all this are difficult to analyze. This is Democratic territory, but, even at the steelworkers headquarters in the Commonwealth Building, there is evidence of disenchantment with the administration in Washington.

Significantly, the union leaders, a year after President Kennedy's row with Roger Blough of United States Steel, are not condemning Blough but saying it was wrong to put pressure on him to hold prices down when little effort was made to hold down prices in other fields.

There is quite a bit of muttering in the unions too against President Kennedy's budget. The criticism here is that the President says unemployment is the Nation's major economic problem, but puts $5 billion into space, which produces few jobs, rather than putting at least part of this into urban transportation and housing that would create jobs.

Washington seems far more optimistic about its manpower retraining schemes and the human relations committee of the steel industry than Pittsburgh. The unemployed do not want to leave these stark but elemental river valleys. They do not see satisfactory jobs at the end of the retraining period. Their seniority piles up even when they are on the loose and on the dole; and while they grumble they keep hoping that somehow somebody will "get this country moving again" and transform these river banks once more into a productive inferno.

Thirty years after the start of the New Deal, the record of the welfare state around Pittsburgh seems oddly paradoxical. It has helped the steelworkers get better houses, many of them owned by the workers. It has produced service jobs for their wives but not steady jobs for the men.

So they paint their houses or do other jobs around the basement when they are out of work, and bet on relief and their union pensions. This clearly has not satisfied them, but it has muffled them. It is not a crisis, but a tragedy.

UNEMPLOYMENT IN AMERICA—IN THE BEST OF TIMES, WHY ARE 4.9 MILLION IDLE?

Poverty in the midst of plenty—that is the bitter, baffling anomaly of unemployment in the United States today.

Americans unquestionably earn more, spend more, and enjoy more material wealth than any other people in the history of the world, and the figures keep going up. The affluent society has become a happy statistical cliche.

Americans this year will earn an incredible $452.5 billion, $23.5 billion more than last year.

They will spend the staggering sum of $240 billion.

Their total assets are approaching $1.1 trillion—equal to more than $5,800 for every man, woman, and child in the country.

Yet within these glittering statistics lies a bitter paradox: 4.9 million people are jobless; on a seasonally adjusted basis, 6.1 percent of the labor force is unemployed.

At least one in every five persons in the U.S. labor force, what's more, will be unemployed at some time this year. At least another 2.6 million workers will be restricted to part-time employment because a full-time job is unavailable. At least 1 in every 11 workers in the Nation's 30 biggest cities will continue to tramp the streets in search of a job that isn't there. And nowhere will the paradox be more pronounced than in the hard core of unemployment, where there will be at least 5 million persons jobless for 15 weeks and quite probably more, about half of them the breadwinners in their families.

All this adds up to what President Kennedy calls our No. 1 economic problem—and the problem has been growing steadily worse. After the first postwar slump of 1948–49, the Nation's unemployment rate fell to 2.7 percent in the recovery that accompanied the Korean war (compared with the 3-percent level that U.S. Government economists consider full employment). Then came the recession of 1953–54, followed by an upturn during which joblessness never fell below 4.2 percent. The unemployment floor has moved progressively higher in the succeeding recessions (chart, page 62). In fact, the Nation hasn't achieved what the administration now calls the interim goal toward full employment—4 percent jobless—during any single month since 1957; the Nation has suffered 5 years of what Labor Secretary W. Willard Wirtz calls intolerably high unemployment. Causes of the problem:

The economy hasn't been growing nearly fast enough. The U.S. growth rate since 1957 has averaged only 3 percent a year versus 5 percent for Western Europe (though, of course, Europe started with a greater potential for expansion—a lower overall economy and war devastation to be repaired).

New workers have swelled the labor force by 21 percent since World War II against a 17 percent increase in jobs. And the work force

is increasing more rapidly now. Two years ago, 2.6 million Americans reached the age of 18; two years from now, the number reaching that age will be 3.8 million.

Automation is eliminating an estimated 1.5 million jobs a year.

Through the rose-colored glasses of the affluent masses, however, the unemployed are almost invisible. "Much of the unemployment is scattered," says Wirtz, "and many who are without jobs are not in a desperate state. This is part of the problem of getting people to care about it."

Furthermore, there are many who challenge the figures—even though a panel of academic experts last year studied the Government's unemployment surveys and pronounced them valid in concept and execution. The president of a big Chicago department store, for one, questions the accuracy of unemployment data; he would like to see a "qualitative analysis" to show how many of the jobless are in fact employable.

Some Americans are, indeed, fatalistic about joblessness. A successful San Francisco importer says: "Chronic unemployment has been with us in the past. It is with us now * * * Unemployment is going to stay, and we are going to have to live with it."

Other Americans believe the unemployed are shiftless. A hard-nosed businessman in West Virginia says: "Cut off their relief payments and they'll have to go to work * * * Give them a deadline, and then nothing more."

In truth, unemployment is not as bad as it once was. One need look no further for a striking comparison than the great depression of the 1930's—when 12.8 million workers, fully 25 percent of the labor force, were unemployed. Unable to pay rent, unable to meet their mortgage payments, millions of Americans were evicted. Whole families lived—and died—in tarpaper shacks and tin-lined caves and scavenged for food. Many, who could not beg or borrow enough to feed their hungry children, stole what they could. Many others turned their children out to fend for themselves. Before the worst was over, violence and unrest swept the land, and there was open talk of revolution.

NEW ERA SYMBOLS

The times, and man's humanity toward man, have changed. Thanks to unemployment compensation, supplemental unemployment benefits, aid to dependent children, relief payments, and other public and private aid programs, the unemployed today are housed, clothed, and fed far better than ever before—not comfortably, but in most cases at least adequately. It is symbolic of the new era that a man may apportion part of his relief check toward a mortgage payment on his house, rather than lose it; that under the Government's new food stamp plan, he not only gets better food, but he no longer has to stand in line, pitiful and ragged, for his monthly dole of "mollygrub"—Federal surplus food commodities, such as yellow meal, powdered milk, and peanut butter. If a man sells pencils on a Pittsburgh street corner, or panhandles on New York's Madison Avenue, or cadges drinks in a Chicago bar, chances are he has done it for years, through good times and bad. In Hollywood's unemployment office, sultry-eyed starlets and Japanese dancing girls applying for benefits, along with bewhiskered actors and shorts-clad beach bums, can make the visit for the conventionally unemployed almost pleasant.

But one thing remains unchanged: the bleak despair and the unending hopelessness of the millions of willing workers cast on the industrial slag heap. By latest Government count, there are 2.2 million workers unemployed so long that they have exhausted all their unemployment compensation benefits—and the figure is growing by 40,000 a week. There are uncounted millions more who have been forced into involuntary retirement for lack of work, who have failed to qualify for unemployment compensation, or who have never worked at all. The brunt of the burden falls on those least able to bear it—the young and the old, the Negro, the man with outmoded skills or no skills at all, the man living in a depressed area, and the unskilled woman, either widowed, divorced, or deserted, who must toil to support herself and her children. Theirs is what Labor Secretary Wirtz last week called "the human tragedy of life, without opportunity." Worse still is the gnawing fear of permanent uselessness—the fear of millions that they will still be on the no-help-wanted list when the Nation's economy moves on to new record heights. From the major categories of America's unemployed, here are six case histories:

Alfred Michel, 54, of West Mifflin, Pa., is a gap-toothed, broken-nosed steelworker who hasn't worked in 3 years and who will probably never work again. Like a third of the long-term unemployed, he is too old. ("When jobs are tight," says Wirtz, "the day a man over 45 loses his job is the day he becomes 'old'.") Despite his 37 years in the mills, Michel was furloughed when United States Steel closed its outmoded and inefficient open-hearth plant at Clairton, near Pittsburgh, and he was placed in United States Steel's huge labor pool to await reassignment. He is still waiting.

Nor is he alone in his predicament. There are currently 100,000 steelworkers drawing supplemental unemployment benefits (up to 65 percent of base pay); there are many more, like Michel, who have long since exhausted such benefits. His sole subsistence is a relief check for $78.10 every 2 weeks, out of which he must pay $54 a month on the house into which he has sunk his life's savings. At the moment, he is a year behind in his payments.

Were there only Michel and his wife, he wouldn't complain. But though he has raised 5 children on his laborer's pay, he still has 2 daughters to go, one 14 years old and the other 16.

"I don't mind so much," Michel says, his voice choked with emotion, "but it's the girls. They're growing up. They want to go to dances and parties and things. They need pretty dresses and things so they don't feel ashamed, so they don't feel different from other people. But I can't give it to them. I can't give them nothing."

Does he feel bitter? "No," he says, yet he adds quietly, like a child: "But they did away with my plant. They ought to get me a new plant."

Anthony Rocha, 17, of Atlanta, Ga., is a small, slight youngster who exudes a nail-chewing nervousness; he is a high school dropout; he has never had a real job. Of average intelligence, but 2 years behind his class because of illness and accidents, Rocha quit Atlanta's Fulton High School 2 weeks before Christmas while in the 9th grade, against his parents' wishes.

Dressed in a white shirt and tan, tight-legged trousers, lounging on a couch in his modest home, he tried to explain why. "Some people find an interest in school, but I just didn't. (So) me and a friend of mine decided we would just quit and get us a job. I didn't realize it would be so hard to find one. I've tried to get jobs at service stations, a bakery, and all the grocery stores out here, but there just aren't any jobs for a person like me."

There were other reasons, of course, for his leaving school. Anthony's stepfather, who never finished high school himself, is a warehouse stockman who earns only $62.50 a week, with which he must support a family of five.

"All I wanted to know when I quit school," adds Rocha, "was that I could support myself and stop mooching on my mother and father. I realize now I definitely made a mistake."

But the wisdom came too late, as it frequently does. That's the main reason there are more than 500,000 unemployed teenagers in the United States today, more than 10 percent of the unemployed. These figures are even more chilling in view of Labor Department predictions that of the 26 million youngsters who will enter the work force during the 1960's, 7.5 million will be high school dropouts, ill equipped for space-age work. "What can a kid do about unemployment," asks Wirtz, "pick up his phone and call his Congressman?"

Buster Taylor is 57, he has a minimal education ("I can print pretty fair,") and he has little to offer an employer but a strong and willing back. But his worst handicap is the fact that he is a Negro in Chicago, a city where Negroes account for 13 percent of the work force but make up a full 40 percent of the unemployed.

According to the National Association for the Advancement of Colored People, the same is roughly true in Detroit, Philadelphia, and St. Louis, and to a lesser degree in Los Angeles and New York. While these estimates are impossible to check, the Labor Department last week placed the nationwide unemployment rate among Negroes at 13.3 percent, more than twice the national average. "For the white, it's a mild recession," asserts Herbert Hill, forceful labor secretary of the NAACP. "For the Negro, it's a full-blown depression." Hill's answer, a double-barreled attack on discrimination in company hiring policies and in trade-union hiring-hall policies and apprentice training programs. But for a fellow like David Blackshear, a 34-year-old New York textile examiner, jobless since September, Hill's attack is meaningless. "I don't think it's prejudice," says Blackshear. "The garment industry is just stagnant."

Nor is Hill's solution enough for Buster Taylor. Taylor and his wife, Laura, came out of rural Mississippi in the early '40's. Lucky at first, Taylor found a steady job in a meat-packing plant, then served his time in the service, and returned to civilian life as the operator of a fork-lift truck for the same firm. Like some 30,000 other packing-house workers, he was automated out of his job. Although he quickly found employment in a nearby produce market, driving a truck and hauling 100-pound sacks of potatoes, his workweek eventually dwindled from 5 to 4 days, then 3, then—2 months ago—nothing. And because he worked on a day-to-day basis on his last job, Taylor is ineligible for unemployment compensation.

How have he and his wife survived? On Mrs. Taylor's $24-a-week unemployment compensation, a windfall from her brief period of employment as a sorter last year with a Chicago feather wholesaler, plus an occasional visit to the market where Taylor used to work."They give me some of the potatoes or lettuce they can't use." Taylor explains, "and that keeps us from starving. But you can't get meat like that. And it doesn't put any oil in the burner."

Antonio Moreno, of Visalia, Calif., has worked at his trade since he was 15 years old. Now he is 61, the father of 11 children, and he has only one remaining ambition in life: "I want a full-time job and to be paid a just wage for my labor." But because he is a migrant farmworker, Antonio Moreno hasn't a chance of achieving that ambition. Indeed, he is lucky to work at all.

Things have changed little for the migrant farmworkers since John Steinbeck chronicled their frightful estate in "The Grapes of Wrath." He may benefit from workmen's compensation, limited disability insurance, and improved housing. But to most migrant farmworkers, these mean little. The reason is simply that there never has been sufficient work to provide a decent year-round living. And with automation edging its way into the fruitful lands of the southern San Joaquin Valley, the work for the Antonio Morenos becomes less and less.

In lush Tulare County, for example, there were 25,000 seasonal jobs for 25,000 farmworkers 4 years ago; last year there were only 17,000 jobs. The other 8,000 had been replaced by gigantic, ponderous mechanical cottonpickers, 15 feet tall, 8 feet wide, and 10 feet long, each capable of picking more cotton a day than 30 to 50 men, depending on the terrain. With similar automatic equipment cutting a wide swath through the South and Southwest, one in every five migrant farmworkers is, in effect, permanently unemployed.

Moreno, slight and stooped, his face the color of tanned leather, recalls that he was once assured at least 4 to 5 months' work in the cottonfields. "Now, maybe, I get 1 month," he adds. "And then I can only pick where the machines can't go, in the mud, in the weeds, where the crop is poor."

Still, Moreno is one of the lucky ones. He has a four-room house that he built with makeshift skills and makeshift materials on a lot that he bought for $200. And with pooled earnings of about $2,000 a year, he has managed to keep his whole family together.

To keep his family together over the next 2 years, however, will take a minor miracle. Moreno had to borrow $346 from the Visalia finance company to meet emergency medical payments and other pressing money needs. Since he already owed $477, he was forced to mortgage his house, its furnishings, and his lot for a total of $1,032, including $207 in carrying charges. Net result: he must pay $43 a month for the next 24 months, a fantastic amount for a migrant farmworker.

Mrs. Florence Almeida, 40, of New Bedford, Mass., is petite, blond, and pretty. If she would smile, she would be very pretty, but she finds little to smile about these days. She is a widow with three children and she hasn't got a job.

By some standards, Mrs. Almeida is well provided for; she receives $111 a month in aid to dependent children and $75 a month as the widow of a veteran. But with $48 monthly to pay on her 1959 Plymouth and the expense of a growing family, she has to work to live, and since Christmas, the living has been anything but easy.

A $1.75-an-hour presser in a garment factory, she was furloughed "temporarily" just before the holiday; called back early this month, she was furloughed permanently after a week's work.

At times, Mrs. Almeida seems resigned to it. "I'm not a worrier by nature and I accept things," she states matter-of-factly. "I think about leaving New Bedford, but the living here is so nice and I'm settled." In the next breath, however, she adds: "But if I didn't have security at home, I don't know where I'd look for it. I don't know where I'd find work."

Thomas Pastellak of Scranton, Pa., is a handsome, black-haired, 26-year-old with the cut of an Ivy Leaguer. He quit school after the ninth grade to help support his mother (his father had vanished); nonetheless, he is an articulate, well-read person. One of the first to sign up for an electronics course under the Manpower Development and Training Act, he graduated near the head of his class. That was December 4, and he still hasn't found a job.

Pastellak lives in a depressed area.

Theoretically, Manpower Development and Training Act courses are designed to train men for existing job opportunities within the communities in which the classes are conducted. Unfortunately, in their effort to rush an electronics program into being, Scranton school officials misgaged the market. Of the first 11 electronics graduates only 2 have found employment utilizing their new-found skills. Dr. Richard F. McNichols, superintendent of Scranton schools, now admits that in Scranton, a depressed area for a decade, "the job potential just isn't there." And wherever else Pastellak has gone in search of a job—in other Pennsylvania cities, in New Jersey, and in New York—the jobs available in electronics have been either committed to local residents or demand a knowledge and training far beyond any Manpower Development and Training Act program.

To Pastellak the problem is deeply personal and intimate. He wants to marry. "I met a girl here in Scranton 3 years ago," he says, "when I was a seaman on the Great Lakes. I realized then that it was no life for a married man. I gave her a ring in 1961 and came home to stay. I haven't had a steady job since. We were supposed to have been married last year, but how can you get married without a job?"

POVERTY AMID PLENTY

By Government definition, a depressed area like Scranton is one of "substantial and persistent unemployment." By statistical analysis, it is one where unemployment is at least 6 percent and has been 50 percent higher than the national average for 3 of the 4 preceding years, or 75 percent higher for 2 of 3 years, or twice the average for 1 of the 2 preceding years. In hard fact, a depressed area is one largely impervious to the benefits of even a booming economy; it is a running trough of poverty in the sea of plenty. And though the major depressed areas are in the highly industrialized Northeast, the problem is far from isolated. Last week, there were no fewer than 18 "major" depressed areas, 103 "smaller" areas, and 454 "very small" areas—a blight that stretches from Alabama to Washington, from New York to California.

A depressed area, what's more, gets caught in a vicious circle. As unemployment rises, savings dip, retail sales fall, new industry tends to shy away, and there are still fewer jobs. The inevitable result is a grim, gray hopelessness for people like Pastellak—people that America's $500 billion-plus economy may have left behind.

Foremost sufferer of this economic disaster is unquestionably the Nation's "coalbin"—the anthracite-bituminous mining region that starts near Scranton in the Appalachians of Pennsylvania, generally follows the mountain range down through West Virginia and eastern Kentucky, and picks up again in the Central States mining region of southern Illinois. The culprit is "mechanization," and one of its victims is Ellis Grigsby. In 1950, it took 415,582 miners to extract 516 million tons of coal from the earth; in 1962, working with giant bits, automatic coal-loaders, and automatic tipples, a mere 136,500 miners extracted 243 million tons of coal. After a recent visit to the area around Welch, Davy, and Gary, W. Va., Labor Secretary Wirtz commented: "If you could take every American through (such depressed communities as these) just for 5 minutes, we wouldn't have to worry about fiscal or economic policies, because it would arouse a feeling, a realization, that something has to be done and done fast." A longtime resident of the job-blighted West Virginia area recently added a touching postscript. She said: "Why like I told a friend of mine, we feel just like we are all alone on a lonely island here."

For the young, the resolute, and the strong, there is only one solution: migration. From the coal fields of eastern Kentucky, some 500,000 persons have moved in the past 10 years. The same pattern holds true in the dying Mesabi Iron Range of Minnesota, where nearly one in every five workers is unemployed and young people are very scarce. And in the Deep South, save for Florida (which led the Nation in growth), emigration during the 1950–60 period drained millions of people from the land, most of them Negroes heading for the industrialized North. Of those left behind, many can be found in clusters any morning of the week along the main thoroughfare of Atlanta and virtually any city in the South, waiting and hoping that someone will hire them for a day's work.

Fearful of a 7-percent unemployment rate by 1967 if present trends persist, the administration feels it can no longer wait. President Kennedy made that clear in his manpower report to Congress early this month: "Greater employment opportunities, and a work force ever more capable of making use of such opportunities—these are among the foremost domestic needs of the Nation. We must meet them. Ours is a rich Nation, but not inexhaustibly so." The President's formula:

Tax reductions and reforms designed to "generate larger markets, additional investment, and more job opportunities."

A Youth Employment Act for "stimulating and tapping the potential of unemployed youngsters."

Expansion of educational opportunities for all citizens.

Strengthening of the unemployment insurance system.

Extended minimum-wage protection for workers not now covered.

But these are, for the most part, long-range remedies, some of which may never clear Congress—certainly not without major revisions and changes. For the moment then, the main hope of the long-term unemployed, the depressed areas, and the dormant regions of the land, lies in the Government's $900 million public works program and $435 million retraining program, administered through the Area Redevelopment Act of 1960 and the Manpower Development and Training Act of last year.

One day early this month, to dramatize the Government's helping hand, Mrs. Lyndon B. Johnson turned over a ladylike spadeful of mud at groundbreaking ceremonies for a new $69,000 library in St. Albans, W. Va. The construction eventually will benefit hundreds of townspeople. And $15 million worth of other make-work projects are under way in West Virginia.

Public works are at best a partial solution to unemployment, and to some communities may be no help at all. The mayor of Welch, W. Va., is not enthusiastic about a proposed multimillion-dollar Federal-State-local sewer project. He wonders whether Welch can afford its share of the expenses, which may run to 50 percent, and he doubts there are enough local skilled workers for the job; thus most of the money might go to out of towners.

Of more hope to the onetime hopeless are the Federal programs to train the unemployed, primarily in woodworking, metalworking, hospital, stenographic, and clerical skills. (Students are paid modest salaries, approximately equal to local unemployment benefits.) In Connecticut, for example, some 90 percent of those who have completed such training programs have been placed in well-paying jobs in their new skills. Even in West Virginia, where the job potential is probably as low as anywhere in the Nation, 635 of the 1,027 people who have completed retraining courses found steady employment—a 61.8 percent average.

The transformation in those who have been placed in new jobs is remarkable. Russell Smarr of Mingo County, W. Va., at 40 aged far beyond his years, used to earn $25.96 a day in the mines, plus overtime. Two years of unemployment, however, brought him to a machineshop course in Belle, W. Va., and he got a job as a machinist last year in a nearby FMC Corp. plant. He started at $2.08 an hour, now earns $2.43 an hour. Interviewed on the job, he smiled at a question that to him was ridiculous and wiped a greasy hand across his cheek. "I'm not making what I made in the mines," he said, "but I'd never go back. I've got a trade now—and I think this training business is one of the best things that's ever happened around here."

Joe Schley, 24, of Milwaukee, his wife 8 months pregnant, earns $80 a week as a welder. The Army veteran says: "We were really worried about having enough money for the baby, but everything is going to be all right."

Equally important, morale perks up even before a student graduates into a job. The appreciation of wiry, blue-eyed Pat Parsons, 37, unemployed and for all practical purposes unemployable before he enrolled in a Birmingham, Ala., class for welders last fall, typifies the spirit. Parsons and his wife will have to scrimp a full year while he completes the course; and yet he says: "It's hard as hell, but I don't have any regrets. I'm thankful for the opportunity to learn a trade, and I know I'm going to make it when I get out."

NEW SKILLS NEEDED

Many, if not most of the Nation's leading businessmen—men like Henry Ford II of the Ford Motor Co., Roger Blough of United State Steel, and Ralph J. Cordiner of General Electric—are convinced that the educational process, in the classroom or on the job is the only logical way to solve the problem of workers displaced by automation and other forms of technological progress. Only through the acquisition of the needed skills for the future, they maintain, can workmen hope to find fulfillment in the operation or maintenance of automatic machines and computers that can turn out a finished engine block every 45 seconds; that can roll a 19-ton bar of steel into a sheet of steel one-tenth of an inch thick with no human help at all; that can store millions of bits of information and deliver in an hour a design for a new plant that a platoon of architects couldn't match in a year.

Most businessmen agree with Ford, Blough, and Cordiner, that whatever the short-run pains of automation, the Nation will benefit in the long run.

Ford, a member of President Kennedy's Advisory Committee on Labor-Management Policy, has said: "The factual evidence strongly indicates that while automation displaces some individuals from jobs they have held, its overall effect is to increase income and expand job opportunities."

Blough has said: "The obstructionists may delay the installation of new machinery or slow down the introduction of new methods, but man's search for new and better ways of doing things will sweep by them—if not in this country, then in a competitive one—if not today, then tomorrow."

Cordiner has said: "It must be emphasized and reemphasized that the fate of thousands of American business firms and millions of jobs depends on this Nation's ability to * * * eliminate artificial restrictions on output."

On at least one aspect of this argument, there is general agreement: U.S. industry must continue to automate, must continue to reduce costs, if U.S. goods are to continue to compete in the world marketplace. Faced with the resurgence of the new and rebuilt industrial might of Western Europe and Japan, U.S. industry now finds an ever-increasing proportion of its equipment obsolete.

But there are those in labor—and a few in management, too—who believe that automation is so different in degree from the first industrial revolution that it is different in kind; that it poses unique problems which defy conventional solutions.

The evidence they present of workers displaced largely through automation is almost overwhelming. In 1953, 917,000 autoworkers turned out 7.3 million cars, trucks, and buses; in 1963, 723,000 workers produced 8.3 million vehicles. In 1956, 1.1 million construction workers completed $62.8 billion worth of work (including repairs) on houses, office buildings, roads, and the like; by last year, the industry had grown to a record $83 billion size, but its work force had dwindled to 831,000.

ONE CAN SATISFY SIX

The decline is repeated in industry after industry. Indeed, today, through automation, one American workman can produce enough food and manufactured goods to satisfy all his own needs and those of six fellow Americans, with plenty left over for export. For the first time in its history, the United States, according to Government figures, has become a nation with less than 50 percent of its nonfarm workers in goods-producing (versus service) industries. The precise figure, 42 percent.

Against this backdrop, retraining so far offers some consolation, but not a lot. For all the cost and energy expended (an average of $1,200 and 22 weeks on each trainee), the Federal program is expected to train, at best, only about 400,000 persons in new jobs over the next 3 years. In and of itself, it can make no more than a dent in the overall unemployment problem.

Lacking a sudden resurgence in the economy, the extra push to alleviate joblessness, says Chairman Thomas J. Watson, Jr., of International Business Machines, must come from a new sense of sociological responsibility on the part of industry in general. He says: "A company must be prepared to make a commitment to internal education and retraining which increases in geometric proportion to the technological change the company is going through * * * [the Federal retraining program] in no way relieves corporations of the responsibilities they bear for the retraining of their own people."

Watson, furthermore, practices his preachment. To retrain its own employees and those of its customers, IBM spends roughly $45 million a year on education—more than all but a few of the Nation's largest universities.

According to labor, however, the extra push must come from a shorter workweek. "The 35-hour workweek demand," says Walter Reuther, firebrand president of the United Auto Workers, "is an act of sheer frustration on labor's part. When society isn't dealing with the unemployment problem, the labor movement has to fight negatively for a short workweek."

David J. McDonald, silver-haired president of the United Steelworkers, puts it another way: "There have been predictions that eventually there will be 18 million unemployed in the United States. If there ever were, it would touch off an internal political explosion that could only end in galloping socialism. * * * I would like to see a 32-hour week in the steel industry, but I know it would cost a helluva lot of money, so we've got to try other ways." One other way, an extended vacation plan, which the Steelworkers have already won in the can industry and hope to press on the steel industry this spring. Under the plan, an employee is entitled to a 3-month vacation after 15 years' service. McDonald feels such a plan would create 32,000 new jobs in the steel industry.

AFL–CIO President George Meany, who must carry the ball for the 35-hour workweek, states his case rhetorically. "Can the capitalistic system survive," he asks, "when unemployment in 10 years has risen to a level that seems almost permanently above 5 percent and right now more than 6 percent? Can we survive and still be leaders of the free world?"

As a matter of fact, though, there is more smoke than fire in the drive for a 35-hour workweek. Although the AFL–CIO executive council approved a $1.5 million drive for the shorter workweek last month, no money has yet been budgeted for the campaign—which, more than anything else, will be a spur with which to dig the administration.

SIREN SONG

As yet there has been only a handful of labor contracts attacking automation-caused unemployment. Among the more prominent: those won by the New York electricians, the west coast dockworkers, and the Kaiser steelworkers.

The first was negligible in itself—it involved only 7,000 men working under peculiar conditions. But there can be no question that the electricians' 25-hour week was a siren song to millions of workers and millions of unemployed throughout the land.

On the west coast, the mechanization and modernization plan solves for the longshoremen, or so they believe, the problems of automation. In return for the payment of $29 million into a union-controlled fund by July 1, 1966, the longshoremen have agreed to unlimited installation of automated loading and unloading equipment. The money is used to finance an early retirement program and to guarantee the longshoremen that they will get paid even when they don't have work. But Harry Bridges, freewheeling west coast dock boss, admits: "I know this pact of ours is just as good for my members and the maritime industry as it might prove bad for other industries. In fact, I know it is narrow and selfish. Automation is a national social problem. We can only take care of ourselves."

This Kaiser plan is still an unknown quantity, revolutionary in concept. Under the agreement, put into effect March 1, Kaiser workers themselves will receive directly one-third of all savings made in the cost of producing steel. At the same time, displaced workers will be retrained and relocated, if possible, with a guarantee that their wages will not be reduced. Will it work? Nobody knows.

Labor itself recognizes that automation is inevitable and may be ultimately beneficial, and that it may even lead to new and better jobs by introducing products and services that do not now exist. But can anyone, in labor, management, or government, say with any degree of certainty that there will be enough jobs for all?

The Labor Department has tried to project the Nation's labor outlook in its recent report to Congress on manpower requirements, resources, utilization, and training—surely the most comprehensive set of employment projections ever put together by a Government agency—and the outlook is bright. Despite the slashes of automation, the official projection predicts an increase in total blue-collar employment from the 20.4 million of 1960 to 24 million by 1970. In the service industries, the Labor Department expects an increase from 7.4 million to 10.2 million workers. Best of all is a projected increase of 8.7 million jobs in the professions, in office employment, in sales, and in other forms of white-collar work. Only agricultural employment is expected to decline—from 5.4 million workers in 1960 to 4.2 million in 1970.

Where will the jobs be? The fastest developing State in the Union, say the projections, will be Florida, where there will be 1 million more jobs than in 1960, a 67-percent increase; in total employment, however, California will top the Nation with a crackling 10 million jobs in all.

What industries offer jobseekers the most potential? Construction will head the pack, according to the projections; dollar volume will soar 57 percent above the 1960 level providing employment for 35 percent more workingmen.

What specific jobs offer the most chance for advancement? The need for professional and technical people, say the projections, will increase at a rate of 43 percent, double the national average; business in general will need no fewer than 1.5 million more managers.

Theoretically, there may be jobs aplenty to accommodate the expected 13 million increase in the work force. There is, however, one catch: the projections are predicated on an increase of 50 percent in the

gross national product over the decade, or more than 4 percent per annum—a rate of growth which the Nation has yet to achieve.

Increasingly, therefore, the question is asked: can the Nation ever achieve anything approaching full employment, short of a national emergency?

Many businessmen and more labor leaders than will admit it are convinced the answer is no. Still sotto voce, but audible nonetheless, the grumblings grow that the Nation must eventually learn to live with 6 to 7 percent unemployment. To Walter Heller, the President's chief economic adviser, this is a counsel of despair; current unemployment dramatizes "the problem of the economy at which tax reduction is aimed—underutilization (of the Nation's production facilities)."

Some of the Nation's top economists and educators agree. MIT's Paul Samuelson asserts: "The hard core of the unemployment problem is like ice, not like iron. It can be melted away gradually. A tax reduction with a deficit is the biggest thing toward a solution that's available to an enterprise system like ours." One loud dissenting voice: that of Leon Keyserling, one-time economic adviser to President Truman. He calls President Kennedy's economic program "a pygmy sent out to do a giant's work." The tax proposal, Keyserling says, is "so watered down, so cumbersome, that everyone's against it. * * * We need some kind of tax bill, but not this." Keyserling favors huge public spending for housing, transportation, education.

OLD FOE

To the men who deal with unemployment in harsh realities, however, there are no pat solutions. One of these men is the newly elected Republican Governor of Pennsylvania, William Scranton. His State is in the throes of a recession that has lasted more than a decade. Moreover, Pennsylvania alone ranks among the three top States in each of the worst categories of unemployment; in 1962, unemployment totaled 367,000 and the rate of joblessness was 7.9 percent.

Scranton is not unacquainted with unemployment. In his native Scranton (his forbears founded the city), he was extremely active in enticing new industry into the area and played a leading role in the two civic corporations that breathed new life into the dying city. In one campaign for public donations to finance an industry hunt, $1.3 million was raised with the slogan: "What would you pay to get a brother-in-law off your neck?" Although Scranton is still a depressed area because of the continuing decline in anthracite coal mining—such projects have provided more than 10,000 new jobs.

Accordingly, Governor Scranton proposed this month a 15-point industrial development legislative program designed to guarantee "the very survival of Pennsylvania as we now know her." Among his major proposals:

Increased funds for the Pennsylvania Industrial Development Authority.

Establishment of a Council of Science and Technology designed to attract top technical talent to the State.

Organization of a Committee of 100,000 Persons, operating under a 50-member steering committee, to plug the Commonwealth of Pennsylvania throughout the Nation.

If nothing else, Scranton has sold himself on the plan. His lean, boyish face intensely serious, he said recently: "This problem has been 50 years abuilding. We can't solve it overnight. Of necessity, it will involve a certain pinpointing job." Then, his face breaking into a smile for the first time in an hour-long interview, he said: "A lot depends on the national economy, and yet I am astoundingly optimistic. We've got everything we need in this State—location, water, natural resources—everything."

On the national level, Labor Secretary Wirtz is equally determined, equally cognizant of America's assets, yet far more emotionally charged on the subject of unemployment. His final summation: "Every little piece of this problem we can tackle, if put together with another, will make a hell of a dent in the problem." Solving the unemployment problem, he adds—and here he grinds the words out—"will be the test of our meaning as a nation."

"I have no doubt that these problems will someday be solved," President Kennedy said in Chicago last week. "The question is: Will they be solved in ways that impoverish us—with restrictions on the workweek, or on efficiency, or on competition? Or will they be solved in ways which enrich us—by expanding our economy and putting all hands to work? The choice is up to us all."

[From the Washington Post, Apr. 21, 1963]

EDUCATION NOT MEETING JOB NEEDS

(By Susanna McBee)

American education is failing to pass one of its most important tests: training enough people to meet the Nation's future employment needs.

Education never has achieved the goal of placing the most qualified people in the right jobs—right for them and for the country—and it probably never will.

The fault lies not just with the educational system but with the facts of life in a free society. Some men get engineering degrees and become high-salaried business administrators; some women prepare to teach and get married instead.

Thirty years ago it was not so important to be trained specifically for certain jobs; today it is.

With what educators call the "knowledge explosion" (the world's store of knowledge is doubling every 10 or 15 years), there is an increasing need for more people to perform more tasks produced by more new knowledge. "This has become such a big problem that it isn't really being faced," says one of American education's strongest critics, Vice Adm. Hyman G. Rickover, father of the nuclear submarine.

"No country has ever had an educational system adequate to its needs," Rickover said. "That's inherently impossible because of the vast capacity of the human mind to learn and change society. But the issue really is, are we doing all we should to provide the people for the kind of society we will have in the next decade?"

He and some others answer this question with a loud, impassioned "No." With notable exceptions, however, not many people seem concerned.

One who is concerned is Secretary of Labor W. Willard Wirtz, who told a House Education subcommittee last month that there is no future in America for the unskilled laborer.

Noting that the economy used to have a "shock absorber" mechanism permitting it to make use of millions of unskilled workers, Wirtz said machines are removing the shock absorber. The problem of older unskilled workers losing their jobs to machines will get worse between now and 1970, he said, as 26 million young people enter the labor market—"a far greater number than the country has ever had to educate, train and absorb into employment in any comparable length of time."

As Wirtz pointed out, the employment problem is twofold: technology is changing the job growth pattern, and the postwar baby boom is adding an unprecedented supply of manpower to the labor force this decade.

One difficulty is that no one knows exactly how many people will be needed in various vocations by 1970. Rough estimates by the Bureau of Labor Statistics are based on assumptions which are themselves uncertain.

It is assumed, for example, that there will be no major war, that business productivity will be high, that unemployment will be below the present 5.6 percent rate, that current labor force trends will continue without abrupt change, that college enrollment will double and "that the trend toward higher levels of education will not be stifled by lack of school facilities or staff or of needed aid to students."

With all these "ifs" in mind, the Bureau predicts that over this decade the labor force, about 67 million in 1960 and going up 21 percent to more than 80 million in 1970, will include:

A remarkable 43-percent increase in the number of professional and technical workers—from 7.5 million to 10.7 million, or 13.3 percent of the 1970 labor force.

A 34-percent increase in the number of service workers, such as nurses, waiters, cleaners, to total nearly 14 percent of the work force. Growth percentages in other categories are clerical, 31; sales, 23; managerial, 21; craftsmen and foremen, 20, and semiskilled, 13. The semiskilled will continue to be the largest group in the labor force—16.9 percent in 1970 compared with 18 percent in 1960.

A static number, 3.7 million, of unskilled industrial laborers, who will drop from 5.5 to 4.6 percent of the work force.

A 22-percent reduction in the farmworker population, dropping from 8 to 5.3 percent of the labor force.

Given the uncertain profile of the Nation's 1970 employment, the next question—one with an even more uncertain answer—is: How many trained people will American education (public, private, vocational, and general schools and apprenticeship programs) supply? A few examples will demonstrate the problems.

Labor Department studies show that during this decade 5.5 million new professional and technical workers may be needed to fill new jobs and replace those leaving others. However, only 3.7 million college graduates are expected to enter these fields by 1970.

New engineers required by 1970 could total about 700,000 to provide the projected 1.4 million employees in this field. But unless drastic steps are taken, new engineering entrants will be only 450,000, including those transferring into engineering from other fields and those without degrees who are upgraded into the profession.

Scientists, who numbered 313,400 in 1960, should total 548,000 by 1970, according to a 1961 study. To meet the projected average annual demand for 25,000 new scientists to fill new jobs and to replace losses, 83,000 persons with science degrees should be graduated each year. About 80,000 will be, but this near balance may not bridge a great gap between supply and demand in certain specialties.

Teachers required for elementary and secondary schools should number about 2.2 million, and nearly 2.1 million (newly graduated and those reentering the field) will be supplied. The deficit over the decade will be 84,000.

About 225,000 new electricians will be needed to meet growth and replacement requirements by 1970. Apprenticeship programs will supply only 31 percent, or 70,000.

For tool and diemakers, 85,000 will be required to meet growth and replacement demands, and apprenticeship programs will supply 45 percent, or 38,000.

These projections take into consideration the fact that nearly 70 percent of American young people were high school graduates last year and that more than 72 percent will be by 1970. Now about 18 percent are completing college, and 20 percent will do so by the end of the decade.

What happens when education does not supply the manpower demand is simply that people without all the qualifications get the

jobs. Teachers are hired on a temporary basis; nondegree holders become engineers; electricians learn their trade on the job.

"The saving thing is that people are adaptable, and industry is willing to be flexible," says Assistant Commissioner Harold Goldstein of the Bureau of Labor Statistics.

But, as he noted in a recent speech, "the implications are clear that the general educational level of the work force will have to increase and (that) there will be fewer jobs open to people without at least a high school education."

Goldstein sees a danger in the possibility that with one of four boys getting college degrees, "we may starve our skilled trades of the bright people they need" since most college men avoid this field.

Growing attacks have been directed at vocational training programs in public schools, and recently 81 percent of the school administrators responding to a survey by the Nation's Schools magazine said such programs must be improved and updated. Most criticism centers on the emphasis on agriculture in many programs and on their failure to keep pace with the country's technological development.

Ward Beard, consultant in the vocational division of the U.S. Office of Education, says additional funds can solve most of these problems.

Commissioner of Education Francis Keppel says that "we'll be shooting ahead of the 1970 employment target" if Congress passes the administration's proposed reform of vocational education, aid for technical institutes, and plans for improving the quality of education. "Vocational programs should stress the kind of knowledge that has the widest application—math, science, and language," he added. Keppel also advocates more retraining for people on the job or those who must change jobs.

Other serious problems which the Nation is just beginning to attack are school dropouts (about one third of the young people entering the work force lack a high school education) and job discrimination against Negroes.

The problems of both groups, who often are the same people, overlap—both lack the training for any but the most menial jobs. Most educated Negroes face additional difficulties of either inferior quality of schooling in segregated institutions or rebuffs in many trades and white-collar jobs despite their good education.

When the Nation's educational mechanism cannot keep up with employment demands, obviously the economy does not fail. But as Goldstein observed, "There will be more stresses, more pressures. We should be thankful that the adaptability of our people can alleviate the pressure. But then we cannot continue indefinitely to count on it."

[From the Philadelphia Evening Bulletin, June 24, 1963]

THE UNEMPLOYMENT PROBLEM—STATISTICS ON JOBLESS FAIL TO MIRROR NATION'S ECONOMIC HEALTH ACCURATELY

(By Samuel Lubell)

A drastic overhauling is needed in the Nation's thinking about unemployment.

Since early April this reporter has been conducting an intensive interviewing survey of jobless workers in 23 different cities.

One main purpose has been to try to solve the mystifying puzzle of why the unemployment rate in the country remains so high—5.9 percent of the labor force by the latest official count—in the face of record highs in production, employment and consumer spending.

I also have been hunting for answers to five questions left unanswered by official Government reports:

Just what is the cause of each person's unemployment?

How many of the unemployed have jobs to go back to?

How much actual looking around for work is done?

Are the unemployment statistics reliable?

How do the jobless manage to care for themselves and their families?

Three conclusions stand out:

1. The unemployment statistics are no longer a valid or accurate indicator of the health of the economy.

2. The identical label "unemployment" is applied to so many different situations that the statistics themselves create quite misleading pictures of both the extent of the jobless and the human hardship involved.

3. The nature of unemployment has changed enormously since the Depression of the 1930s and even since the recession of 1958.

Unless these changes are recognized and understood, efforts to overcome unemployment may only make matters worse.

In my survey, more than 350 case histories of men and women out of work were put together. Of this number, nearly 6 of 10 did not constitute any real unemployment problem in that they felt, "I'll be back working soon."

SEASONAL WORKERS

Roughly 35 percent of those interviewed were either construction workers, who had finished one project and were waiting for another, or seasonal layoffs with jobs to go back to soon.

Another 25 percent had left former jobs for assorted personal reasons.

Retired persons were looking for only part-time work.

Others, like a chemist in Cleveland, explained, "I can get a job any time. My problem is to find a good one."

LITTLE ACUTE HARDSHIP

Except in depressed areas, I found little acute hardship. Nearly 10 percent of those interviewed said they could get jobs that paid less than they wanted

Among unemployed married persons, roughly 40 percent had a husband or wife working.

By contrast, in Wheeling, W. Va., where 12 percent of the work force was jobless, nearly a third of the persons interviewed had exhausted their unemployment benefits and were living on relief or jobs like apple picking or other farm chores.

In five other cities, unemployed workers remarked, for instance. "We've just had a baby and that makes things rough."

Among all the unemployed interviewed, every seventh person had run through his savings and been forced into debt since losing his job.

NOT DUE TO SLUMP

Turning to the causes of unemployment, I was surprised how few of the unemployed—one in six interviewed—had been laid off because of a slump in business. During the 1960–61 recession, in many of the same cities, nearly half the unemployed workers I talked with had lost their jobs because of the economy's decline.

Today's showing can be credited in part to the upsurge in auto and steel employment in recent months.

But more significant is the fact that the bulk of current unemployment is not found in the mainstream of the Nation's economic life.

TWO SEPARATE ECONOMIES

The present high unemployment rate largely reflects that we seem to have developed two separate economies in this country—one, a highly protected, employment-source fortress; the other, an exposed plain, raked constantly by economic storms.

The hardest-hit groups are older workers, pushed out of the economy, and younger workers—Negro and white—who never have been able to scale the walls of seniority rights and union membership.

In nearly every city, I found young men, 30 years and slightly older, who never have held a steady job since leaving school.

In Newark, N.J., one youth remarked: "I'd like to be an electrician, but you've got to be the first-born son of a union member to get a union card."

COST REDUCTION

A second set of influences aggravating hard-core unemployment centers around the reshuffling of work from old to new locations and the job changes spurred by the search for cost reductions.

At new factories, I found a tendency to employ a heavier proportion of women in preference to men.

Increased dependence on defense spending is another unsettling force that jacks up the unemployment rate. In a third of the cities visited, some of the workers interviewed had been laid off because defense contracts were lost.

Few of the unemployed I talked with blamed automation directly for the loss of their jobs. Automation seems now to be having its main impact in terms of reducing the number of new jobs.

SURVEY TECHNIQUE

In choosing the cities for interviewing, I sought contrasting situations—depressed communities like Wheeling or sluggish areas like Buffalo to be matched against places like Detroit, Akron, and Canton, where employment has rocketed in recent months.

Other cities also were taken because I had sampled them during the recessions of 1958 and 1961 and thus would have a first-hand basis for comparison with 1963.

In deciding who was to be interviewed, I followed the arbitrary rule of talking to the last person in the unemployment compensation line—which left time for lengthy questioning—whether male or female, white or Negro.

These interviews in unemployment claims centers were supplemented by a sampling of typical worker neighborhoods and by talks with high school students about how they saw their job future.

[From the Philadelphia Evening Bulletin, June 25, 1963]

THE UNEMPLOYMENT PROBLEM—SENIORITY AND FRINGE BENEFITS CREATE WASTED GENERATION OF YOUNG JOBLESS

(By Samuel Lubell)

During the past 5 years, something of a wasted generation of younger workers has developed in most industrial centers.

In city after city visited while interviewing the unemployed, I was struck by how many were pushing 30, or even 35, and still never held a steady job.

What has kept these people from finding a place in the economy is worth exploring, since it foreshadows what could happen to many of the teenagers who will be pouring from schools in record numbers in years to come.

Limited education and lack of vocational skills are only a small part of the difficulty. A much more important obstacle, my interviews indicate, is that, since the 1958 recession, younger workers have been walled out of employment in many trades and in the major manufacturing industries by the structure of seniority rights and high fringe benefits.

With each jobless youth interviewed, I made a point of tracing his work history back to when he left school.

Although much of my interviewing was done in major industrial centers, like Detroit, Akron, Pittsburgh, Cleveland, and St. Louis, few of these youths had ever worked for one of the bigger companies. The overwhelming majority had to forage for jobs

among smaller, shakier employers at relatively low pay and with no union to protect you.

In a fifth of the cases, at least one firm they worked for had folded. Others had been employed by family affairs and got bumped to make room for the boss' relatives.

In the Minneapolis unemployment center, one 20-year-old remarked, "It may sound funny to you, but I often dream that at last I've got a union card."

In Chicago, a 27-year-old, who had three jobs in the last year, exclaimed, "I sure would like to work for a big company. You'd know where you stand."

NEGROES ALSO SHUNTED

This tendency to shunt younger workers to the most vulnerable parts of the economy holds for Negroes as well. In my analysis, I divided the unemployed Negroes who were interviewed into two groups—those who voiced confidence that soon they would be back at work and those who complained, "I keep looking, but get nothing."

Both groups had an equal proportion of high school graduates. What marked the gloomy Negroes was that they generally were younger and had held nonmanufacturing jobs like elevator operators, car washers or porters. Two-thirds had not worked for their last employer as long as a year.

Negroes, of course, are the principal sufferers from job discrimination. Still, it is important to note that the job-hunting cards today are stacked against all young workers, whatever their color.

YOUTH BEARS BRUNT

Even where they have been lucky enough to get a seniority protected job, the younger workers still bear the brunt of any joblessness that develops. In Dearborn, Mich., a 35-year-old truck driver took out his unemployment compensation book and counted up "only 10 weeks of work this year."

He explained, "Under our Teamster contract, my company guarantees every regular driver 40 hours of work. But 10 percent of the drivers are called casuals. I'm one. We work when an extra driver is needed, maybe for a day, maybe a week."

Still, this driver was pleased with the arrangement. "I get $3.13 an hour when I work," he volunteered. "When enough of the older fellows retire I'll become a regular driver. That will fix me for life."

Asked how long that would take, he replied, "At least 5 years. I'll be 41 before I can count on steady work. Still, before I got this job, it didn't look like I'd ever get anywhere."

SENIORITY SYSTEM ACCEPTED

This acceptance of the seniority system as a crude form of machine-age justice is pretty general among union members. One result has been an abrupt decline in worker mobility.

In some industries, like steel and autos, workers draw better than two-thirds of their pay even when unemployed. Those who are laid off do little hunting for other work—unless it is for odd jobs that do not show up in taxable payrolls—and simply wait to be recalled.

Near Pittsburgh, a West Homestead steelworker calculated, "Since 1958, I've been out half the time."

Still, he felt, "If I went anywhere else I'd be low on the totem pole and would be laid off every time there was a slowdown. This way, every year brings me closer to the day when I'll have enough seniority to work all the time."

In New Haven, Conn., a factory worker explained why he didn't look for a job in another line, by asking, "Who would hire me? They know I'd go back to my old company as soon as work picked up."

FEW NEW STEELWORKERS

Since the 1958 recession, relatively few new workers have been brought into most major manufacturing industries. With many steel companies, even the lift in production this past April and May did not exhaust the seniority recall lists.

Most auto plants, though, with sales soaring toward the 1955 peak, ran through their recall lists this spring and now are hiring from the streets for the first time in 5 years.

This pattern has been aggravated by two other trends. In all manufacturing, automation has been cutting the number of jobs needed to yield the same output. At the same time, the trend of collective bargaining has moved steadily toward a stronger job monopoly and higher fringe benefits for the workers who are left.

OVERTIME IS CHEAPER

These fringe benefits have been pushed to where many companies figure it is cheaper to pay overtime than to hire a new man and pay his insurance, hospitalization, and other benefits.

In four unemployment centers, young workers told of being hired for temporary jobs and being "dropped the week before I could qualify for fringe benefits." One Detroit youth had gone through two such temporary work periods with the same auto company.

To sum up, if the job crisis of younger workers is to be eased, the economy plainly has to generate more work opportunities. Still, a considerable widening of apprenticeship openings for beginning workers is overdue.

Also, the trend of union bargaining needs modification so the burden of unemployment does not continue to be pushed off so completely onto the younger workers.

EDWARD P. MORGAN AND THE NEWS

(By the American Broadcasting Co., Mar. 28, 1963)

In Topeka, Kans., day before yesterday, I met a walking statistic. In Washington, D.C., statistics lie down flat on paper and, although every now and then one rises up to smack you in the eye, you don't get the full impact of these figures until they are translated into people. The fact that more than 6 percent of our ablebodied working force can't find jobs is disturbing enough. It is even more disturbing to realize that men and women now employed will soon be displaced, through no fault or doing of their own, by a process known, impersonally enough, as technological readjustment. This was the kind of statistic I met in Topeka, an experienced skilled worker with years of seniority, on the verge of displacement.

This fellow, a union man, is a locomotive fireman. In individual terms he is the personification of the long, bitter, and monumental struggle between the railway brotherhoods and the rail operators over the issue of featherbedding.

Perhaps he, his union, and railway management all should bear a share of the blame for not facing up realistically enough 20 years ago the fact that the introduction of diesel locomotives made firemen expendable. If an honest adjustment had been made then the issue would not be so deep and tortuous today. But it wasn't, and now that indecision is water over the dam. For my fireman friend the overriding issue today is his personal future. The Government cannot and will not permit a prolonged shutdown of the railroads. Somehow, the issue, which has been swollen and purpled with bruises by exaggerated claims and pig-headedness on both sides, will have to be solved. A wise Washington source, with long experience in labor-management problems, privately suggests that a compromise may have to be made on the recommendation of the special presidential commission that all firemen with less than 10 years tenure be fired.

Whatever happens to the Topeka fireman, he doesn't see much future in his chosen job. He doesn't look like a loafer. He isn't. Healthy, handsome, in his forties, he has a boy in college and a girl in high school looking forward to college, too. "What I want to know," he said to me, "is how the Government is going to help me solve my problem, and others like me." He is disturbed but not bitter. "Even if I can take advantage of some retraining program," he said, "I figure at my age that at the very best I'll have to take at least a 50-percent cut in income." This is the way the cold phrase "technological adjustment" on the mimeographed handout is translated into a vivid, painful, personal crisis.

Men in high places in Washington, like Labor Secretary Willard Wirtz for instance, are agonizingly aware of the personal crises piled behind their statistical columns and they are trying to do something about the situation. Inevitably individuals and families, even whole communities, are going to get hurt in the process. These casualties can be kept to a minimum only if all hands involved at the decisionmaking level, including labor, management and government officials, show more of a sense of urgency and mutual goodwill toward the adjustment of the problem than they have to date.

As one crosses the country today, even at the careening speed of the jet age, it is frighteningly easy to discern the fact that our whole society, at this revolutionary juncture of the century, is confronted with the compelling necessity of major adjustment on almost every level. Our approach to education is outrageously inadequate. Leaving aside for the moment the anguish of the indignities and even brutalities involved, we are wasting our human resources in a shocking fashion and at a rate that, rich as we are, we simply cannot afford; wasting them by timid, tentative approaches to the utilization of manpower and by understandable but inexcusable prejudices denying equal opportunity to more than a tenth of our population—the so-called Negro minority. And as if all that were not enough, we are wasting our almost boundless productivity, actual and potential.

In order to make the proper jet connection for Seattle I had to leave Wichita in this morning's rosy-fingered dawn and fly by private plane to Denver across the broad, gently heaving bosom of Kansas. It was a splendidly revealing but also disturbing interlude. There, hardly 2,000 feet below the four-seater executive Beechcraft, like some Asian ruler's alabaster palace, lay at Hutchison, Kans., one of the world's largest complexes of elevators where millions of bushels of surplus grain are stored. With his production breakdown in Kazakhstan plaguing him, Chairman Khrushchev would have viewed the sight in the checkerboard middle of the wheatfields with envy. Yet we cannot view it with pride against the bitter paradox of a farm program that is costing billions to discourage farmers from producing their best while millions of the world's mouths are underfed.

This vast dilemma makes Boeing's reluctant readjustment to the loss of the TFX airplane contract seem, in the large, an almost trifling exercise by comparison.

This is Edward P. Morgan saying good night from Seattle.

Mr. CLARK. Madam President, I thank the Senator from New York for his kindness in yielding to me. I know he has keen interest in this legislation also, because he is a cosponsor of it.

Mr. JAVITS. Madam President, I shall yield in a moment to the Senator from Arkansas [Mr. MCCLELLAN], who

has asked me to yield, but first let me say that I am highly pleased to be associated with the Senator from Pennsylvania [Mr. CLARK] in this critically important field in our effort to deal with the Nation's civil rights crisis. I say that as a member of the Subcommittee on Employment and Manpower, which is headed by the Senator from Pennsylvania [Mr. CLARK].

Madam President, with respect to the proposed amendments just introduced by the Senator from Pennsylvania [Mr. CLARK] on behalf of the administration, I point out that the minority of the Joint Economic Committee, commenting on the President's Economic Report for 1963, has been critical of the administration's almost exclusive emphasis on its tax cut proposal as the answer to most of our country's economic ills and has proposed a series of remedies which, until a few days ago, the administration saw fit to ignore. Now that the civil rights problem is reaching a critical stage, the Kennedy administration suddenly awakened to the fact that the tax cut will do America's Negro citizens little good. The reduction of the tax burden on the low income brackets, to which, unfortunately, most Negro citizens belong, will leave them largely unaffected in the sense that it would not be effective in changing their economic status basically and permanently.

What the minority of the Joint Economic Committee recognized is that direct and specific programs are needed to remedy the lot of the unemployed and low wage earners of this country through such means as first, inclusion of an adult education training program under the Manpower Development and Training Act for those presently disqualified because of a lack of basic reading, writing, and mathematical skills; second, training under MDTA programs of large numbers of young men and women, particularly high school dropouts with no skills or previous work experience, in order to prepare them for lives of useful and productive employment; third, calling for changes in our unemployment compensation laws to permit an individual to receive unemployment compensation up to the normal amounts and limits while undergoing training or retraining; and fourth, substantial broadening of the Federal vocational and technical education programs.

It is gratifying to see that the administration is now introducing legislation, as part of its civil rights package, to implement three of the four recommendations of the minority of the Joint Economic Committee: a program for functional illiterates, broadening the training program for youth, and asking for increased vocational education expenditures. I feel however, that there are other steps that must be taken before we can say in clear conscience that a beginning has been at last made to help our unemployed citizens, Negro and white.

One of the most critical problems affecting training under the MDTA is the frequency of dropouts from such programs due to the inadequacy of training allowances. Under present law an eligible person may receive an amount equivalent to the average unemployment insurance payment prevailing in his State, unless his own record in covered employment warrants a higher payment, in which case he is entitled to receive the higher amount. Inasmuch as only 24 States presently permit receipt of unemployment benefits while taking approved vocational training under MDTA, the actual training allowance payments in most States are equivalent to the average unemployment compensation prevailing in those States. I believe that this limitation, imposed by most States, is shortsighted in that it fails to recognize the longrun benefit to those States in encouraging retraining despite the higher payments to those who do take advantage of retraining while unemployed than to the unemployed who do not. By retraining the unemployed for marketable skills, the States would reduce their unemployment compensation costs in the long run. Expenditures for the training of the unemployed should be viewed as an investment in manpower.

Since a change in Federal unemployment compensation standards would be difficult and time consuming—State legislatures would have to approve changes in State programs and many legislatures meet only once every year or 2 years—I propose that the Congress directly act by enacting changes in the present MDTA training allowance formula and by increasing the funds to be spent for this purpose. It is obvious that it is in the national interest that our labor force, particularly those unemployed, be upgraded through federally financed training programs. This is why the MDTA was enacted in 1962. It is therefore illogical not to provide the necessary financial incentives to encourage unemployed heads of households to sign up for a suitable training program, which may last as long as a year.

Under the present MDTA formula, individuals are receiving weekly training allowances as low as $22.72 in Arkansas, $25.30 in Alabama, $24.99 in South Carolina, $23.05 in Maine, $23.50 in Mississippi, $32.32 in Pennsylvania, and $37.69 in New York. Any earnings from work done outside training time are deducted from allowances under existing laws. In six States this means less than $100 per month; in practically all States it means less than $150 a month. According to testimony given by Deputy Manpower Administrator Seymour Wolfbein before the Subcommittee on Employment and Manpower on June 6, 1963, there are already a significant number of cases where trainees dropped out because they could not support their families on the existing allowances; trainees trying to retain some kind of job while training find the conflict in hours impossible and drop out in favor of jobs they are holding.

I propose that the training allowances under the MDTA be increased by using new standards or a combination of standards—such as making training equal to a certain percentage of the average weekly manufacturing wage in the Nation or the State—in order to provide MDTA trainees with adequate temporary support. I believe also that the increased costs of the new programs proposed today under MDTA should be reflected by an increase in the authorization for the program in this bill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manpower Development and Training Act of 1962 is amended by adding at the end of section 202 the following new subsection:

"(h) Whenever appropriate, the Secretary of Labor may also refer for the development of functional literacy and basic work skills those eligible persons who will thereby be able to pursue courses of occupational training, and such referrals shall be considered a referral for training within the meaning of this Act, except that the provisions of subsection (d) of this section shall not apply to the selection of persons under this subsection, and such persons shall be eligible for an additional 52 weeks of training allowances."

SEC. 2. Subsection (c) of section 203 of such Act is amended by striking out the word "nineteen" and inserting the word "sixteen" in lieu thereof, by striking out "5 percent" and inserting in lieu thereof "15 percent", and by striking out the period at the end thereof, inserting a comma in lieu thereof, and adding the following: "*Provided,* That no allowances shall be paid to any such youth who drops out of school, for a period of three months after the date of dropout."

SEC. 3. Section 231 of such Act is amended by striking out the period at the end of the first sentence, inserting a comma in lieu thereof, and adding the following: "except that with respect to referrals under subsection (h) of section 202 the Secretary of Health, Education, and Welfare may make arrangements for the provision of the training to be provided under such subsection (h) through other appropriate education agencies".

SEC. 4. Section 302 of such Act is amended by striking out the word "vocational" before the words "education and training".

SEC. 5. Subsection (b) of section 305 is amended by striking out the word "vocational".

FEDERAL AID TO SEGREGATION AND DISCRIMINATION

Mr. JAVITS. Madam President, I wish to address myself today for a little while to a massive problem in respect of the civil rights crisis which in my opinion seriously endangers the country. That is the problem of Federal aid to State programs which are themselves segregated or in which there is discrimination. This is a tragic aspect of the civil rights crisis. There are many things which represent injustice to our Negro citizens, which they consider intolerable and which they will tolerate no more. Of all of them—if we can assess them qualitatively—perhaps the most intolerable is the spending by the Federal Government, dedicated under the Constitution to equality of citizenship and required to enforce guarantees of U.S. citizenship within the States, of hundreds of millions of dollars—not millions, not tens of millions, but hundreds of millions of dollars—collected from all citizens regardless of race in aid of programs carried on by States under conditions of racial segregation and discrimination. This practice is rife almost throughout the Federal establishment, and we are almost at the beginning of trying to come abreast of it.

I believe one can deeply understand why people are angry when their tax moneys are abused in this fashion, notwithstanding the declarations of Presidents Roosevelt, Truman, Eisenhower, and Kennedy, and when a good deal of such discrimination persists in other cases which are only now beginning to be dealt with.

I, together with the Senator from Michigan [Mr. HART], circularized the Federal Government departments in which anything like this has been going on, and we have gathered a considerable body of replies from the departments as to what the present situation is. The situation represents such a very interesting state of facts that I decided, when the Senate was not doing any business, to take the necessary time to spread it upon the RECORD, and to analyze it for the Senate and for the people of the country.

I shall state my objective first, because that is the loyal thing to do. My objective is to demonstrate that we need not wait for legislation, not even for the President's request for discretionary authority to cut off aid to State programs in which discrimination or segregation is being practiced. If we take the administration at its own word, based upon the administration's own statement of its powers, there are areas in which the administration can move now without waiting for Congress to act.

This is critically important, because all of us in good conscience are searching for what can be done now.

We all know that we are in for a hot session, a long session, a hard fight, and that it will take time. Summertime is upon us. Many people, including myself, are deeply concerned by what is encompassed within the word "demonstrations," when it is used in respect to this grave national crisis.

To meet, to speak, to parade, and to agitate for one's point of view is one thing. However, when irritations or unreasonableness, or failure to enforce the law, which we recently saw in Birmingham and other places, or the use of police force create a condition which breeds violence, "demonstrations" can become something very serious for America.

We are all searching for ways in which honorable changes, urgently required for many decades, can be made without waiting for new law, as important as new law also is.

This is the point of view that I shall analyze, in order to show what can be done now. That is the constant cry of the Negro community. This demonstrates the lines of activity now opened up, which may be accelerated in terms of the timing of the relief which can be given. Therefore, I speak in those terms.

Madam President, the greatest irony in the current crisis over civil rights which is sweeping the Nation is the fact that, notwithstanding all the efforts of the Federal Government to obtain compliance with the Constitution by many southern State and municipal governments, the Federal Government itself continues in myriad silent ways to subsidize programs which tolerate racial segregation and discrimination. Every program administered by the Federal Government in southern States is, potentially at least, open to this question. In two such programs, the Congress itself has embedded the now discredited separate-but-equal doctrine into statutory law: both the Morrill Land Grant College Act and the Hill-Burton Hospital Construction act even today contain such language in clear violation of the 14th amendment. One of the failures of Congress in the civil rights field is the failure to undo these anachronisms.

In all the other programs, the Congress has failed specifically to prohibit such use of Federal funds, which are obtained from taxation upon all regardless of color or race; nonetheless, the Federal Government is not powerless to prevent such flagrant misuse of the public moneys. The President recognized this in his message to the Congress early this month on civil rights by calling special attention to such use of public funds and the efforts which the executive branch has made "to fulfill its responsibilities by banning discrimination in federally financed housing, in NDEA and NSF institutes, in federally affected employment, in the Army and Air Force Reserve, in the training of civilian defense workers and in all federally owned and leased facilities." But these are only a beginning, both because there are still vast areas not mentioned and because enforcement efforts must follow promulgation of dry rules. The President recognized this by not leaving the matter at that point. However, instead of detailing what further areas he believed the executive branch now has authority to deal with, he indicated that under many statutes the power of the Administrator to withhold funds if discrimination were not ended "is at best questionable." For this reason he called for the passage of a single comprehensive provision making it clear that the Federal Government is not required to furnish financial assistance to any program or activity in which racial discrimination occurs. One provision of the legislation since sent by the administration to the Congress calls for such discretionary authority to be given to the executive branch.

Mr. JAVITS. Madam President, I ask unanimous consent to have printed at this point in my remarks title 6 of the administration's omnibus civil rights bill, S. 1731, entitled "Nondiscrimination in Federally Assisted Programs."

There being no objection, title 6 was ordered to be printed in the RECORD, as follows:

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. Notwithstanding any provision to the contrary in any law of the United States providing or authorizing direct or indirect financial assistance for or in connection with any program or activity by way of grant, contract, loan, insurance, guaranty, or otherwise, no such law shall be interpreted as requiring that such financial assistance shall be furnished in circumstances under which individuals participating in or benefiting from the program or activity are discriminated against on the ground of race, color, religion, or national origin or are denied participation or benefits therein on the ground of race, color, religion, or national origin. All contracts made in connection with any such program or activity shall contain such conditions as the President may prescribe for the purpose of assuring that there shall be no discrimination in employment by any contractor or subcontractor on the ground of race, color, religion, or national origin.

Mr. JAVITS. Madam President, in my view, this request by the President is unnecessary as a matter of law since the Executive already has such power. In fact, I believe that the Executive already has a duty in this regard—a mandatory requirement under the powers of the President in article 2, section 3, which gives the President responsibility to see that the laws are enforced; and under the 5th amendment and the 14th amendment, which impose upon both the Federal Government and the States the responsibility for affording equal protection of the laws to all U.S. citizens. Under those three sections of the Constitution—article 2, section 3; the 5th amendment; and the 14th amendment—the President has such authority.

The President has long been urged to take action to cut off aid to State and municipal programs with respect to which discrimination and segregation have been practiced. In August 1961 the Leadership Conference on Civil Rights submitted to the President a carefully documented memorandum entitled "Federally Supported Discrimination," which detailed the facts about segregation and discrimination in federally-aided programs in military affairs, education, employment, housing, health services, and agriculture, and called for an Executive order ending Federal support of such practices. The memorandum also cited legal authority and precedents for such an order, which were more than ample, including Executive orders by Presidents Roosevelt, Truman, and Eisenhower barring discrimination in various fields.

The President has not issued such an order, although the memorandum specifically referred to the 1960 Democratic platform pledges of Executive action. I call attention to page 8 of that memorandum, which reads as follows:

> The Democratic Party platform pledged Executive action to achieve "equal employment opportunities throughout the Federal Establishment and on all Government contracts;" "the termination of racial segregation throughout Federal services and institutions," "an end to discrimination in Federal housing programs, including federally assisted housing."

Instead of honoring those pledges, almost 2 years after taking office the President issued a limited Executive order against discrimination in Federal housing and he is now broadening the Federal contract order to cover federally aided construction. As to the federally aided housing, I shall refer to an answer to my inquiries from the Housing and Home Finance Agency, which very clearly shows that in view of the limitation of applicability of the order to new housing, nothing appreciable has yet happened, but there is hope that it will happen as new housing comes into use.

Both of these orders—that is, the one on housing and the one on discrimination in Government contracts with relation to federally-aided construction—added further precedents for the broad-scale executive action which the memorandum called for. The clear legal authority for such action, even in the absence of legislative direction, was again supported unanimously during a hearing held on May 17, 1963 by the Subcommittee on Education of the Committee on Labor and Public Welfare, of which I am a member, by legal authorities, including a panel of Southern law school professors and the United States Civil Rights Commission. This was also the meaning and intent of the Commission's April recommendation to the President in regard to the flagrant denial by the State of Mississippi of rights granted to citizens there under the Constitution of the United States.

In my view, there are four ways to insure that all State and local programs supported with Federal funds shall be administered without regard to race or color. Two of those four ways can be accomplished by the Executive alone, and two by Congress.

First. The President can issue an across-the-board Executive order banning the use of Federal funds for programs in which discrimination or segregation on racial grounds is practiced.

Second. Each of the executive departments and agencies can, even without Executive order, refuse to disburse funds for such use, which is in effect what the U.S. Civil Rights Commission called for in the Mississippi case and in their recent testimony before the Subcommittee on Education.

Third. Congress can specify in each program authorization and in each appropriation bill that funds shall not be used for such purposes. I have repeatedly offered such amendments; and in each case my amendments have been tabled on motion of the leadership. So that does not seem to be a route Congress wishes to travel.

Fourth. Congress can enact an across-the-board prohibition against the discriminatory use of funds, as the senior Senator from Oregon [Mr. MORSE] recommends in the bill he introduced on June 4, and as the President recommends in the omnibus civil rights bill, in discretionary rather than the mandatory form.

Certainly Congress has a grave responsibility in the field of civil rights which it has greviously failed to fulfill. I am pleased that the President has finally come around to this view. I was one of the first to pledge my full support for the prompt enactment of the measures he has proposed. But I believe this one aspect of his request for legislation—that is, discretionary authority to cut off Federal aid to existing State or local programs engaged in segregation or discrimination—postpones too long the results which can be achieved immediately, without legislation.

The prospects for civil rights legislation and the cloture vote hurdle in the Senate are difficult enough without adding to them the burden of enacting a provision which is unnecessary, at least in the form in which it is proposed. I have made a determined effort to ascertain whether the executive branch itself believes it is necessary to have such a law. I take the floor today to make known the results, so far, of my inquiry. I believe the results of that inquiry will enable Congress to tailor the legislation to the specific need to which the executive branch testifies, so that immediate progress will not be deferred in areas in which no legislation is considered necessary, even by the executive branch itself.

I have already made clear the implications of time in this whole situation and, therefore, the urgent reason why we should not let time get away from us now.

In the same respect, I have had called to my attention statements made by the distinguished senior Senator from Georgia [Mr. RUSSELL] on the subject of the authority of the Federal Government to cut off aid to State or municipally segregated projects. I know that the Senator from Georgia feels very strongly about this subject. Indeed, the New York Times says that he considers that part of the administration's bill to be a "genocide" provision. That indicates, it seems to me, that this is where it hurts. This is where States which have been receiving hundreds of millions of dollars of taxpayers' money, far more than they pay into the Federal Treasury, are complaining, because they are hurt by the threat that this kind of money will be cut off when the State does not comply with the constitutional protection vouchsafed to all citizens.

Madam President, I know it has been said that this may hurt those whom it is designed to help—namely the Negroes—more than they would be hurt if the funds continued to be paid. If a showing of that necessity can be made, perhaps the Presidential discretion should be utilized in order to continue for the moment—because of the greater good—what is an intolerable situation. But I doubt that there will be very many of such cases, because the Negro population of the South is united almost as one in being perfectly willing to suffer that hardship for the greater good and for the lessening of the discrimination they have suffered for more than 100 years by not having the same opportunities to have jobs, to receive an education, to purchase homes, or to enjoy the dignity, as individuals and as citizens of the United States, to which they are entitled. From everything we know, I am confident that the Negroes of the South who are running the risks in the activities they have undertaken there will be willing to forgo the benefits of almost all of these programs, rather than to continue to suffer the hardships they have undergone for so many decades. Yet, the discretionary authority the President now has is not being exercised fully today.

Some of these figures are shocking. For example, consider the State of Alabama. As late as 1961, it paid to the Federal Government 51 cents for each dollar it received in Federal aid to State and municipal programs. The State of Mississippi paid 41 cents for every dollar it received under similar circumstances. The State of Georgia paid 64 cents for every dollar it received in connection with programs of this character.

I have voted time and time again for Federal aid to education bills and other legislation for Federal aid programs, under which New York pays 5 or 6 times the amount it has any likelihood of receiving from the Federal Government. Indeed, the formulas I have sponsored in this connection would result in having New York receive back even less. Certainly, the Federal Government is better operated when States which cannot help themselves receive aid, even though States such as New York do not receive back from the Treasury the amounts of revenue they pay into it. But I feel that it is unjust to States which pay such large portions of the Federal revenues if large Federal payments are made to States which continue to discriminate and segregate because of race.

In an attempt to determine the extent to which the administrators of the various Federal programs understand that they do have the authority to prevent discriminatory use of the hundreds of millions of tax dollars they expend each year, I, along with the Senator from Michigan [Mr. HART] in April of this year directed a series of letters to six Cabinet members and to the Administrator of the Housing and Home Finance Agency. The letters asked specific questions about the handling of the respective programs, based principally upon the leadership conference memorandum, and updated to take into account the changes which had come about in the intervening almost 2 years. Each letter concluded with the question "Is it your Department's view that sufficient authority already exists under the Constitution or laws of the United States to assure nondiscrimination in all your Department's programs, or is enactment of further Federal law considered necessary?" The letters were directed to the Secretaries of the Departments of Agriculture; Commerce; Defense; Health, Education, and Welfare; Labor; and Post Office; and to the Administrator of the Housing and Home Finance Agency.

I have now received full answers from the Departments of Commerce; Defense; and Post Office; and the Administrator of the Housing and Home Finance Agency. The Labor Department has submitted only a partial answer at this point. The Departments of Agriculture and Health, Education, and Welfare have not yet replied to my inquiries, although they are expected shortly. I strongly urge that their replies and the full reply of the Department of Labor be expedited so that a full picture of the positions of the Executive branch on this matter will be a matter of record at the earliest possible time.

At this time I should like to undertake to analyze the replies I have received for the benefit of the Senate. It is, of course, vital that the Congress be told in what specific respects such legislation is deemed necessary; and the answers so far received are extremely helpful in that regard.

I believe it is most noteworthy and encouraging that in most instances the Departments have taken the position that further legislation is not necessary.

Madam President, I ask unanimous consent that my letter to the Commerce Department and its reply be printed in full in the RECORD at this point in my remarks.

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

APRIL 19, 1963.

Hon. LUTHER H. HODGES,
Secretary of Commerce,
Department of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: It has been reported that in the administration of several programs by your Department:

1. Provisions are not made to assure that persons intended to benefit by the programs are actually aided commensurate with their need and without regard to their race, creed, color, or national origin; and that

2. Provisions are not made to obtain assurances that Federal funds will be administered in a nondiscriminatory manner, and, through a system of compliance reporting and surveillance, to see that these assurances are carried out.

Would you be good enough to advise me at your earliest convenience as to the following questions:

A. What steps are being taken to enforce the employment nondiscrimination clause in contracts with States under the Federal highway program? How do you determine the extent to which employment discrimination has been eliminated and the extent to which Negroes have been employed on these projects? Please evaluate the effectiveness of this nondiscrimination policy in terms of Negro employment in specific job categories on highway projects.

B. What measures have been taken or are contemplated to assure that employment opportunities created by the accelerated public works program will be made available without regard to the race, creed, color, or national origin of job applicants?

C. What steps have been taken to assure that employment opportunities created by loan programs under the Area Redevelopment Act are available without regard to race, color, creed, or national origin of job applicants? How do you determine whether these job opportunities are made known to all eligible applicants on a nondiscriminatory basis? How many Negroes have secured employment under this program? Have businesses operated by Negroes utilized the benefits available under the ARA program? Are Negro businesses represented on ARA committees? What efforts have been made to acquaint Negro businessmen with the program?

D. Are any provisions being made to avoid discrimination in the availability of places of public accommodation authorized by States to operate along the rights-of-way of highways built with 90-percent Federal funds?

E. What steps have been taken to assure that persons displaced by the Federal highway program will be relocated in decent housing provided on a nondiscriminatory basis?

F. Is it your Department's view that sufficient authority already exists under the Constitution or laws of the United States to condition the granting of Federal funds upon assurances of nondiscrimination or is enactment of further Federal law considered necessary?

I would appreciate your early reply.

With best wishes,

Sincerely,

JACOB K. JAVITS,
U.S. Senator.

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., June 27, 1963.

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

DEAR SENATOR JAVITS: This is in further reply to your letter of April 19 requesting answers to a number of questions concerning nondiscrimination in projects carried on under programs of this Department.

There are attached replies to your questions A–E prepared by the Bureau of Public Roads and Area Redevelopment Administration, the agencies to whose programs these questions relate.

You have asked whether we believe we have sufficient authority to condition grants of Federal funds on assurances of nondiscrimination. As the attachments demonstrate, our authority is sufficient insofar as many aspects of these programs are concerned. However, enactment of titles II (Injunctive Relief Against Discrimination in Public Accommodations) and VI (Nondiscrimination in Federally Assisted Programs) of the bill submitted by the President on June 19 and the extension of jurisdiction of the Committee on Equal Employment Opportunity, provided by Executive Order 11114, together, would take care of the matters outlined in your questions C–1 and D.

Sincerely yours,

LAWRENCE JONES,
Acting General Counsel.

INFORMATION SUBMITTED BY AREA REDEVELOPMENT ADMINISTRATION IN CONNECTION WITH SENATOR JAVITS' LETTER OF APRIL 19, 1963

Questions B and C of Senator JAVITS' letter relate to the programs administered by the Area Redevelopment Administration. Question B reads as follows:

"B. What measures have been taken or are contemplated to assure that employment opportunities created by the accelerated public works program will be made available without regard to the race, creed, color or national origin of job applicants?"

The Public Works Acceleration Act did not create any new, substantive Federal grant-in-aid program. It merely authorizes additional appropriations for existing programs. Section 3(c) of the act requires that all grants-in-aid made from APW allocations "be made in accordance with all of the provisions of such law." Accordingly, we must leave this matter to each of the delegate agencies under the accelerated public works program. For example, the Community Facilities Administration utilizes the following clause in loan and/or grant agreements providing for the financing and construction of public works or facilities under the Accelerated Public Works Act:

"SEC. 25. Nondiscrimination: The borrower shall require that there shall be no discrimination against any employee who is employed in carrying out the project, against any applicant for such employment, because of race, religion, color or national origin. This provision shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The borrower shall insert the foregoing provision of this section in all its contracts for project work and will require all of its contractors for such work to insert a similar provision in all subcontracts for project work: *Provided*, That the foregoing provision of this section shall not apply to contracts or subcontracts for standard commercial supplies or raw materials. The borrower shall post at the project, in conspicuous places available for employees and applicants for employment, notices to be provided by the Government setting forth the provisions of this nondiscrimination clause."

We have provided a separate answer below to each individual question within question C.

"1. What steps have been taken to assure that employment opportunities created by loan programs under the Area Redevelopment Act are available without regard to the race, color, creed, or national origin of job applicants?"

In answering this question a distinction must be made between employment practices of construction contractors and employment practices of those occupying facilities constructed.

With respect to construction contractors on projects financed by public facilities loans and grants made under sections 7 and 8 of the Area Redevelopment Act, the Community Facilities Administration, acting as agent for ARA, includes a clause in its agreement with our borrower identical to that shown in our answer to question B above.

With respect to construction of commercial and industrial facilities financed by ARA under section 6 we have not included such clauses. Under Executive Order 11114 of June 22, however, such clauses will hereafter be required. Moreover, the reporting requirements of that order will facilitate enforcement of the nondiscrimination clauses now required on projects under sections 7 and 8.

With respect to employment practices of occupants of ARA-financed commercial and industrial facilities, we have not required as a condition for a commercial or industrial loan under section 6 of the Area Redevelopment Act that a borrower execute covenants with respect to its employment practices. The Congress, in authorizing our loan program for commercial and industrial projects, did not indicate its intent with regard to employment practices of private borrowers.

Enactment of title VI of the President's bill would, of course, resolve this question.

"2. How do you determine whether these job opportunities are made known to all eligible applicants on a nondiscriminatory basis?"

Your attention is invited to that portion of the above-cited nondiscrimination clause used by the Community Facilities Administration for public facility loans which reads: "The borrower shall post at the project, in conspicuous places available for employees and applicants for employment, notices to be provided by the Government setting forth the provisions of this nondiscrimination clause."

"3. How many Negroes have secured employment under this program?"

We do not have any information at this time as to the number of Negroes who have secured employment under our program. However, ARA, in cooperation with the U.S. Civil Rights Commission, is currently in the process of making a sampling survey which should provide this information in the near future.

"4. Have businesses operated by Negroes utilized the benefits available under the ARA program?"

A few businesses operated by Negroes have utilized the benefits available under the ARA program. For example, ARA has received several formal proposals in its Washington, D.C., offices from Negro businessmen for assistance under section 6 of the Area Redevelopment Act. These proposals are undergoing normal processing. In addition, our field representatives report that Negro businessmen are gradually submitting projects for ARA assistance to our field coordinators. These will be forwarded for further processing at our Washington, D.C., office. However, Negroes have been slow to respond to the benefits available under the ARA program because of their lack of knowledge of the program. In this connection, ARA has been and is attempting to educate Negro

businessmen with respect to our program. (Also see answer to question 6 below.)

"5. Are Negro businesses represented on ARA committees?"

There are presently some Negroes on local area committees organized for the purpose of preparing overall economic development programs (OEDP's) for their respective areas. Also, in addition to being members of local development organizations, Negroes in some areas have taken the leadership in forming organizations to provide the 10 percent contribution to the aggregate cost of ARA projects as required under section 6(b)(9)(B) of the Area Redevelopment Act. Constant efforts are being made by ARA field personnel to encourage expansion of minority group participation in local planning organizations.

"6. What efforts have been made to acquaint Negro businessmen with the program?"

A personal and special appeal has been and is being made throughout the Nation to all types of community and State organizations (for example, business associations, colleges and universities, and urban leagues) for the purpose of enlisting their support and cooperation in developing greater participation on the part of Negroes in the ARA program. These groups are asked to encourage participation of Negroes not only as workers in ARA projects, but also as applicants for section 6 loans under the Area Redevelopment Act and as participants in local development groups.

INFORMATION SUBMITTED BY BUREAU OF PUBLIC ROADS IN ANSWER TO SENATOR JAVITS' LETTER OF APRIL 19, 1963

Questions A, B, D, and E of Senator JAVITS' letter relate to programs of the Bureau of Public Roads. The questions and answers are as follows:

"A. What steps are being taken to enforce the employment nondiscrimination clause in contracts with States under the Federal highway program? How do you determine the extent to which employment discrimination has been eliminated and the extent to which Negroes have been employed on these projects? Please evaluate the effectiveness of this nondiscrimination policy in terms of Negro employment in specific job categories on highway projects."

While there are no specific enforcement instructions with respect to the nondiscrimination clause in Federal-aid highway contracts let by the States, a breach of this clause, as well as various other required contract provisions, may be grounds for termination of the contract. The Bureau of Public Roads makes periodic inspections to insure compliance with all provisions of Federal-aid highway construction contracts let by the States, and takes appropriate action in instances of noncompliance. Because a comprehensive reporting requirement had not been established, very few administrative or compliance problems have been encountered. As indicated in the answer to item B, a survey concerning nondiscrimination is currently being made with respect to certain highway projects under the accelerated public works program. This survey and reports required under Executive Order No. 11114 together, will give a better picture of the operation of the nondiscrimination clause.

"B. What measures have been taken or are contemplated to assure that employment opportunities created by the accelerated public works program will be made available without regard to the race, creed, color or national origin of job applicants?"

A nondiscrimination survey is currently being made by the Bureau of Public Roads, at the request of the U.S. Commission on Civil Rights, of selected highway projects being constructed under the accelerated public works program. The results of this survey will be reported on a form furnished by that Commission.

"D. Are any provisions being made to avoid discrimination in the availability of places of public accommodation authorized by States to operate along the rights-of-way of highways built with 90 percent Federal funds?"

Commercial facilities providing public accommodations, such as restaurants and motels, are not permitted to be located within the public right-of-way of any interstate projects financed in part with 90 percent Federal-aid highway funds. The Federal-aid highway legislation contains no provision relating to nondiscrimination in the use of privately owned facilities as may provide for public accommodations along, but outside of such highway rights-of-way. Legislation would be necessary before any action could be taken by us.

"E. What steps have been taken to assure that persons displaced by the Federal highway program will be relocated in decent housing provided on a nondiscriminatory basis?"

Our authority with respect to relocation is limited to section 133 of title 23, United States Code. This provides only that the States give assurance relocation advisory assistance shall be provided for families displaced by Federal-aid highway projects and that certain moving expenses authorized under State law may be reimbursed. However, attention is invited to Executive Order No. 11063 relating to equal opportunity in housing which provides that federally financed housing or housing financed on the credit of the Federal Government must be sold, leased, or rented without regard to race, color, creed, or national origin.

Mr. JAVITS. Madam President, the reply of the Department of Commerce deals primarily with the Area Redevelopment Administration program, which is a very considerable one, and with the Federal-aid-to-highways program. Of course, since the original documents are printed in the RECORD, my comments must be read in the light of those documents.

As regards the administration of the area redevelopment program, insofar as community facilities are concerned, it appears that there is an effort to enforce nondiscrimination. But when it comes to the employment practices of occupants of ARA-financed commercial and industrial facilities, the report states:

> We have not required as a condition for commercial or industrial loans under section 6 of the Area Redevelopment Act that a borrower execute covenants with respect to its employment practices. The Congress, in authorizing our loan program for commercial and industrial projects, did not indicate its intent with regard to employment practices of private borrowers.

So here is a specific case in which it is claimed that legislation is required, although as regards community facilities, it is claimed that legislation is not required.

As regards the road program, the statement in the report is as follows:

> While there are no specific enforcement instructions with respect to the nondiscrimination clause in Federal-aid highway contracts let by the States, a breach of this clause, as well as various other required contract provisions, may be grounds for termination of the contract.

The report then states that a nondiscrimination survey is currently being made by the Bureau of Public Roads, at the request of the U.S. Civil Rights Commission, and that a report will be submitted. So that question still remains in the pending category.

Also, as regards commercial facilities providing public accommodations, such as restaurants and motels, the Department states that they are not permitted to be located within the public right-of-way of any interstate project financed in part with Federal-aid highway funds. The Department also states:

> The Federal-aid highway legislation contains no provision relating to nondiscrimination in the use of privately owned facilities as may be provided for public accommodations along, but outside of such highway rights-of-way. Legislation would be necessary before any action could be undertaken by us.

That is a clear indication that in connection with the Federal-aid highway program, as is true in connection with at least a part of the Federal area redevelopment program, legislation is considered needed, whereas, with respect to the other parts, no legislation is considered needed and the Department can proceed now, according to its own view.

Madam President, before I proceed further, I note that my colleague and partner in this effort, the Senator from Michigan [Mr. HART], is present in the Chamber. I would be perfectly willing to suspend and let him carry on in any way he sees fit. I would be glad to yield.

Mr. HART. Madam President, I thank the Senator for so graciously yielding. I am present to hear the distinguished Senator from New York in full in relation to the effort which he is making. As the Senator has suggested, many Senators have joined in the effort, which I think will have real significance for all of us, as we approach our responsibilities in connection with the civil rights bills. I shall make my remarks at the conclusion of the remarks of the Senator from New York. But I should like to have him know that I have enjoyed very much his comments, particularly that portion of his statement with respect to the challenges that have been directed against the proposal that we do in fact face the obligation of withholding funds and stopping subsidization of discrimination. I agree with every word he has said.

Mr. JAVITS. Madam President, I am very grateful to the Senator from Michigan. I should like to make crystal clear that we have proceeded together as a team on this subject. I have the greatest devotion to bipartisanship in this field. I believe it is absolutely essential. I should like to make clear that it is not merely a presentation by me, but represents a complete team effort with the Senator from Michigan [Mr. HART]. I hope our course will continue in that way until we realize all the potentials which inhere in this particular approach. I pledge myself to continue the effort in that way. I would not have spoken today on this subject if the Senator from Michigan [Mr. HART] were not prepared to speak on his own behalf.

Mr. HART. Mr. President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. HART. In relation to the bipartisan effort about which the Senator has spoken, he has expressed his point of view many times in the past. There should be the fullest realization by Senators on both sides of the aisle that we need a bipartisan effort if the Senate is to deliver to the people of America a measure which the people have every right to expect.

Mr. JAVITS. I thank my colleague.

Madam President, I come now to the critical and important question of defense. I ask unanimous consent that the letter of request together with the reply be printed in the RECORD at this point.

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

MAY 6, 1963.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: The President has stated on several occasions that Federal funds should not be expended so as to encourage or support segregation or discrimination and that equality of opportunity for all servicemen should be assured. In this regard, would you be good enough to advise me at your earliest convenience as to the following:

(1) National Guard: How extensive is racial segregation in National Guard units? What steps have been taken or are contemplated to eliminate racial segregation where it exists?

(2) Reserves: How extensive is racial segregation in the Reserves? What steps have been taken to implement the memorandum of the Deputy Secretary of April 3, 1962, on compliance with Executive Order 9981 in the Army, Navy, Air Force, and Marine Corps Reserves? What have been the results of this directive?

(3) ROTC: Which educational institutions sponsoring Reserve Officer Training Corps programs refuse to admit Negro students? What is the Department of Defense policy with respect to the maintenance of ROTC programs at institutions which discriminate?

(4) Civil defense: To what extent is discrimination and segregation prohibited in civil defense training programs, use of facilities, and in local civil defense corps units?

(5) Administration of justice: What action is being taken to assure equal military justice to all races in, for example, sentencing, adequate defense counsel, and manner and type of discharges?

(6) Availability of facilities: What steps have been taken to implement, and what have been the results of, the memorandum of the Deputy Secretary of June 19, 1961, on availability of facilities to military personnel with respect to the following:

(a) The construction of facilities on base where unsegregated facilities are not available in communities surrounding the base?

(b) Efforts to obtain unsegregated facilities off base through command-community relations committees?

(c) The use of military police to support enforcement of racial segregation?

(d) The provision of legal assistance to members of the Armed Forces involved in the violation of racial segregation laws or customs?

(7) Is the Department considering further steps to secure equal opportunity for all servicemen with respect to off-base housing, education, transportation, police relations?

Is it your Department's view that sufficient authority already exists under the Constitution or laws of the United States to prevent the expenditure of Federal funds in a manner which supports segregation and to protect the constitutional rights of servicemen while on and off base?

I would appreciate your early reply.

With best wishes,

Sincerely,

JACOB K. JAVITS,
U.S. Senate.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 26, 1963.

Hon. JACOB K. JAVITS,
U.S. Senate.

DEAR SENATOR JAVITS: Thank you for your letter of May 6, 1963, to the Secretary of Defense concerning equality of opportunity for all servicemen.

The responses to the six questions raised in your letter follow in the order and numbering in which they are listed in your letter of May 6:

(1) National Guard: The problem of complete integration of the National Guard has been receiving continuing attention within the Department of Defense, and considerable progress has been made toward this goal.

We have reason to believe that it would be legally possible to withhold Federal funds as a means of bringing about integration in State National Guard units, but the Department has sought to make progress through persuasion and consultation with State Governors and Adjutants General rather than through efforts to withhold funds. In addition, integration is being effected when Guard units from any State are ordered into the Federal service by assignment of personnel by the military departments to those units without regard to race. Integration also is being effected by assignment of personnel to Guard units during summer encampments without regard to race.

Advances in the integration of Negroes into formerly all-white units have been made by modification of statutes and practices which precluded integration in several States. The latest such action was the repeal on April 2, 1963, by the North Carolina Legislature of a statute limiting the use of Negro troops and compelling segregation in that State. Progress also has been achieved in that all-Negro units have been eliminated throughout the National Guard. The principal problem remaining is with regard to 10 of the Southern States which do not yet have Negroes in their National Guard units. The Department is seeking to have these States voluntarily drop these restrictions, as has the State of Texas recently.

As indicated above, it is within the realm of legal possibility to seek to bring about integration in State National Guard units by withdrawal of funds and Federal equipment. However, the National Guard is comprised primarily of voluntary units and voluntary personnel serving, when in a State status, under the command of State Governors. Action to withhold funds and equipment could result in the rejection of Federal funds or deactivation of units by some States, with a resultant serious deterioration in combat effectiveness. About 25 percent of the Army National Guard's strength, including important artillery, tank, armored, infantry and other combat units, as well as vital reconnaissance, fighter and transport units of the Air Force are located in Southern States. The potential deterioration of these important units is sufficiently serious to cause this Department to feel that at this time it is not in the national interest to risk cutting off Federal support.

(2) Reserves: The Deputy Secretary of Defense, on April 3, 1962, expressed his concern that the responsibilities of the Department to assure equality of treatment of all personnel in the Reserves had not been fully met and directed that specific measures be undertaken to identify and eliminate discriminatory practices or customs. He expressed concern particularly over such matters as the existence of all-Negro units and the possibility that a disproportionate number of Negroes are assigned to pools rather than to drilling units, and directed that specific measures be undertaken to integrate units as rapidly as is consistent with military effectiveness.

In implementation of the Deputy Secretary of Defense's memorandum, the military departments issued instructions to field commanders emphasizing policies of nondiscrimination in the acceptance or rejection of applicants for the Reserves; existing assignment procedures were reviewed to determine if new safeguards against discriminatory attitudes or practices were needed; the composition of Reserve units was examined to determine if any all-Negro units existed and that such all-white units as exist are not the result of discriminatory practices; a review was made to assure that a disproportionate number of Negroes are not assigned to active status pools as opposed to drilling units; and quarterly reports of findings and actions taken were submitted by each service to the Assistant Secretary of Defense (Manpower).

As a result of the Deputy Secretary of Defense's memorandum, a number of significant actions have been taken:

(1) The interest of the Secretary of Defense and the Secretaries of the military departments in equality of treatment in the Reserve forces, and that of major military commanders has been forcefully emphasized to all commanders and to personnel responsible for enlistment and assignment of reservists.

(2) Such all-Negro units as were found to be in existence, for whatever reason, have been eliminated.

(3) Enlistment and assignment procedures have been revised where necessary in order to provide fuller assurance of equality of treatment for all personnel. Army Regulation 140–111, issued June 28, 1962, established stringent provisions for assistance to all applicants in locating unit vacancies and provided a right of appeal to the Active Army to any person denied enrollment in a Reserve unit. Changes in the procedures for measurement of the skills and aptitudes of applicants also were made to provide assurance of more objective measurement by Reserve unit commanders of an applicant's potential ability. Air Force Regulation AFR 45–3B issued November 2, 1962, also established specific procedures for processing of appeals of medically and mentally qualified personnel who apply for but are not accepted for assignment to Air Force Reserve units. Provision also was made for positive assistance to applicants in locating Air Force Reserve positions vacancies in the area of their residence.

(4) The number of Negro personnel participating in drilling units in the Ready Reserve in Army and Navy between June 30, 1962 and December 31, 1962, was increased, despite a decrease in the total number of personnel assigned to drilling units.

In the Army, despite a decrease of 7,065 in the number of personnel assigned to drilling units the number of Negro personnel assigned to drilling units increased by 1,194 (12.1 percent); the number of Negroes in the active status pool decreased by 1.4 percent. The percentage of Negroes in the Ready Reserve increased from 4.8 to 5.2 percent.

In the Navy, despite a sizable overall decrease (9,752) in the number of personnel assigned in a drill pay status, the number of Negroes so assigned increased by 338 (18.9 percent). The number of Negroes in the active status pool decreased by 18.4 percent. The number of Negroes in the Ready Reserve increased from 1.8 to 1.9 percent.

Due to the absence of racial information in the Air Force reporting system comparative data on the number of Negro personnel

assigned to drilling units between June 30, 1962 and December 31, 1962, are not available. Data as of January 15, 1963, indicate, however, that the percentage which Negro personnel comprise of the active status pool (5.4 percent) is not greatly higher (1 percent) than the percentage they comprise of total Air Force Ready Reserve personnel (4.4 percent) and approximates the proportion of Negroes in the Army active status pool (5.6 percent) as of December 31, 1962.

(3) ROTC: The Department of Defense does not have information as to the entrance policies of the nearly 800 colleges, high schools, and preparatory schools which have senior or junior ROTC units, and consequently does not have a basis on which to respond to the question as to which schools do not admit Negroes as a matter of policy.

It would be possible to cancel contracts with schools having ROTC units, with appropriate notice, if it should be determined as a matter of policy that such cancellations are desirable as a means of preventing discrimination.

The feasibility of such a step is now being reviewed. There is a serious question, however, as to whether such a limited and indirect measure, when considered in the context of the total school problem and the overall expenditures of Federal funds for education, would be an effective means of bringing about changes in the admission policies of schools and colleges.

(4) Civil defense: The contributions which the Office of Civil Defense makes to the personnel and administrative expenses of State and local civil defense organizations are subject to a mandatory nondiscrimination in employment provision. In the event of violation of this requirement the Office of Civil Defense can withhold funds under section 401(h) of the Federal Civil Defense Act, until the State or political subdivision complies with the requirement.

States, localities, private organizations and individuals making their premises available as public fallout shelter space are subject to a requirement that all such facilities be available to all members of the general public. Also, regulations governing the establishment of the U.S. Civil Defense Corps (composed of local civil defense organizations) provide that no person shall be considered ineligible for membership in such corps by virtue of race, creed, color, or national origin.

States and localities conduct certain civil defense training programs locally and receive one-half of the cost from the Office of Civil Defense. Also, an adult education program in civil defense conducted by the States is supported by Office of Civil Defense funds administered through the Department of Health, Education, and Welfare. The States select the students to attend these local training programs. Though there are at present no specific requirements as to the criteria to be used by the States in the selection of students, beginning with the next contract year a nondiscrimination clause will be incorporated. This will establish a requirement on the States to select students and conduct classes without regard to race, creed, color, or national origin in order to be eligible for receipts of funds.

(5) Administration of justice: In order to assure that there is no discrimination in the administration of military justice, a review was made in December 1961 under the guidance of the General Counsel of the Department of Defense, of allegations of racial prejudice recorded during the past year. A spot check also was made of recent courts-martial cases to determine if there was evidence of racial discrimination in these cases. No evidence of such discrimination was found and there is every reason to believe that the cases selected for spot check accurately represent general practice.

With regard to provision of qualified defense counsel, in general courts-martial cases military counsel who are members of the bar of the Federal court or of the highest court of a State of the United States and who have been certified as competent by the Judge Advocate General of their military department must be provided. Similarly, at the appellate review level, legally qualified counsel are required whether the appeal be from a general or a special court-martial.

With regard to discharges, records of servicemen under consideration for separation are adjudged on the basis of merit without regard to race or color. In review of discharges any assertion by an applicant of racial discrimination in support of his request for a change or modification of the type of discharge received is carefully examined in light of all the facts and an impartial determination made.

(6) Availability of facilities: The implementation of the policies established in the Deputy Secretary of Defense memorandum of June 19, 1961, with regard to facilities on and off base, use of military police and the provision of legal assistance has been a responsibility of local commanders which they are required to discharge within the limits of available funds and within the framework of their continuing relationships with local community organizations and facilities. Overall data on the actions taken by the many base commanders throughout the Military Establishment are not available. However, a thorough study has been made by the President's Committee on Equal Employment Opportunity to determine the effectiveness with which this memorandum and the other equal opportunity policies of the Armed Forces are being implemented and to determine what additional measures may be needed to improve equality of opportunity for members of the Armed Forces. The availability of facilities for members of the Armed Forces and their dependents in the civilian community, particularly with respect to housing, education, transportation, recreational facilities, and community activities, was one of the major areas included in the committee's study. The committee has just rendered its report and has made recommendations on the whole range of problems related to equality of treatment and opportunity for persons in the Armed Forces. The recommendations of the committee are now being reviewed and a report will be made to the President within 30 days on such additional steps as may be required by the Department of Defense to secure equal opportunity for all servicemen.

Meanwhile, with regard to housing, the Secretary of Defense has instructed the Secretaries of the military Departments, in a memorandum dated March 8, 1963, to include the following clause in all leases for family housing executed on behalf of the United States under the authority of section 515, Public Law 84–161: "It is understood and agreed that the Government will assign the desired premises to military personnel in accordance with Executive Order 11063, dated November 20, 1962, which provides that housing and related facilities shall be available without discrimination among tenants because of race, color, creed, or national origin."

In addition, the Secretary required in his March 8 memorandum that all listings of available private housing maintained at military base housing offices shall include only those units which are available without regard to race, color, creed, or national origin. This memorandum applies to the listing of private housing off base; all housing and other facilities on military installations, of course, have been fully integrated for many years.

(7) Further steps: As indicated in the response to question 6 above the problem of further steps which should be taken to assure equality of opportunity for all servicemen has been the subject of a study by the President's Committee on Equal Opportunity in the Armed Forces and the recommendations of that committee are now under active study.

Lastly, you raised the question whether it is the Department's view "that sufficient authority already exists under the Constitution or laws of the United States to prevent the expenditure of Federal funds in a manner which supports segregation and to protect the constitutional rights of servicemen while on and off base?" It is our view that under existing laws the Armed Forces have achieved substantial success in providing equality of opportunity for active duty military personnel on base. As our comments above on your specific questions indicate, there remain vital problem areas in the situation of some military personnel while off base and of some military personnel while serving in a state status. The question as to whether additional statutory authority may be necessary or desirable to resolve some of these problems will be considered in connection with the initial and subsequent reports of the President's Committee on Equal Opportunity in the Armed Forces.

Thank you for the opportunity to comment upon the important questions raised in your letter. If further information is needed, I shall be glad to furnish it.

Sincerely yours,

NORMAN S. PAUL.

Mr. JAVITS. Madam President, the first problem we face is the National Guard. I say with the greatest sadness that it is a fact that the National Guard is still not desegregated. The letter states as follows:

> The principal problem remaining is with regard to 10 of the Southern States which do not yet have Negroes in their National Guard units.

The letter continues—

> The Department is seeking to have these States voluntarily drop these restrictions, as has the State of Texas recently.

The letter points out—and again I say this is a very serious situation facing the country—

> About 25 percent of the Army National Guard's strength, including important artillery, tank, armored infantry and other combat units, as well as vital reconnaissance, fighter and transport units of the Air Force are located in Southern States. The potential deterioration of these important units is sufficiently serious to cause this Department to feel that at this time it is not in the national interest to risk cutting off Federal support.

That is a pretty sad situation, but there it is. The letter goes on to speak about the reserve components of the defense forces, which subject has had the attention of the Deputy Secretary of Defense. A considerable number of things have been done—for example, the elimination of all-Negro units which were actually found to be in existence.

Notwithstanding everything we have heard about desegregation of the defense forces since World War II. The Deputy Secretary also expressed concern particularly over "the possibility that a disproportionate number of Negroes are assigned to pools rather than to drilling units, and he directed that specific measures be undertaken to integrate units as rapidly as is consistent with the military effectiveness."

Assignment of Negroes to pools rather than drilling units shows a complete underutilization of the manpower of our

country, by virtue of discrimination in the critically important element of our country's security, a clear area where the Federal Government has the power, and says it has the power, and can press forward.

On the ROTC—the Reserve Officers Training Corps—the report states as follows:

It would be possible to cancel contracts with schools having ROTC units, with appropriate notice, if it should be determined as a matter of policy that such cancellations are desirable as a means of preventing discrimination.

The feasibility of such a step is now being reviewed. There is a serious question, however, as to whether such a limited and indirect measure, when considered in the context of the total school problem and the overall expenditures of Federal funds for education, would be an effective means of bringing about changes in the admission policies of schools and colleges.

There again is an area in which no law is considered required. Obviously the Defense Department feels it has the authority, which it is now exploring, and in which progress is possible.

We come now to civil defense. The report states that public fallout shelter space is subject to a requirement that all such facilities be available to all members of the general public. However, in respect of civil defense training programs, the report states as follows:

Though there are at present no specific requirements as to the criteria to be used by the States in the selection of students, beginning with the next contract year a nondiscrimination clause will be incorporated.

There again is a clear opportunity to make progress which does not require law.

Then we come to the problem of facilities on and off bases, probably one of the stickiest problems that we face. The report states:

The availability of facilities for members of the Armed Forces and their dependents in the civilian community, particularly with respect to housing, education, transportation, recreational facilities, and community activities, was one of the major areas included in the committee's study.

That refers to the President's Committee on Equal Employment Opportunity, which has made certain recommendations which are now being reviewed. The report states:

A report will be made to the President within 30 days on such additional steps as may be required by the Department of Defense to secure equal opportunity for all servicemen.

Madam President, this letter was dated June 26, so we are in the middle of the period when action can be taken. This is critically important. It refers as well to family housing which may be available off the base. It is something which base commanders as well as the Defense Department can do something about. It does not require any additional law.

On the basic question as to whether additional law is required, overall, the letter says as follows:

The question as to whether additional statutory authority may be necessary or desirable to resolve some of these problems will be considered in connection with the initial and subsequent reports of the President's Committee on Equal Opportunity in the Armed Forces.

We have seen enough in this letter to indicate that there are a number of areas in which the Department can move, that progress can be made without waiting for additional law, and that progress is urgently needed in a number of these areas.

I come now to the letter of the Postmaster General. I ask unanimous consent that my request and the reply thereto may be printed in the RECORD at this point.

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

APRIL 19, 1963.

Hon. J. EDWARD DAY,
Postmaster General,
Post Office Department,
Washington, D.C.

DEAR POSTMASTER GENERAL: As the largest single Federal agency, the Post Office Department is in a key position to affect the employment of Negroes in areas where such employment has in the past been limited. Would you be good enough to advise me at your earliest convenience as to the following questions:

(a) What measures have been taken or are contemplated to assure that equal employment opportunity is afforded by the railroads and airlines who are carriers of the U.S. mails?

(b) What measures have been taken or are contemplated to overcome the past practices of discrimination in employment in the postal service? To what extent do seniority considerations in promotions perpetuate the present situation and limit opportunities for Negroes? What steps are possible to overcome this?

(c) It has been reported that the Postal Inspection Service is an example of continued segregation in Federal employment; what steps are being taken to eliminate this?

(d) Is it your Department's view that sufficient authority already exists under the Constitution or laws of the United States to assure nondiscrimination in all your Department's programs or is enactment of further Federal law considered necessary?

I would appreciate your early reply.

With best wishes,

Sincerely,

JACOB K. JAVITS,
U.S. Senator.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., May 3, 1963.

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

DEAR SENATOR: Information is set forth below in response to the questions in your letter of April 19, 1963, relative to measures taken by this Department to provide equal employment opportunity.

(A) EQUAL EMPLOYMENT OPPORTUNITY IN MAIL-CARRYING RAILROADS AND AIRLINES

Mail is carried by airlines under statutory mandate. They are required to carry mail tendered to them by the Postmaster General. The rates paid to the airlines are prescribed by the Civil Aeronautics Board. The Department has no contract with any of these airlines which would be subject to the provisions of Executive Order 10925. In the absence of a contract, the Department appears to have no jurisdiction over the employment policies of the airlines. At least one airline, to our knowledge, namely American Airlines, is a participant in the "plans for progress" program under which they have agreed with the President's Committee on Equal Opportunity to abide by the provisions of the Executive order.

The situation is somewhat the same with respect to the mail-carrying railroads. They carry mail under statutory authority and the rates paid to them are fixed by the Interstate Commerce Commission. In the case of the railroads, however, under authority of law, the Department has entered into a number of contracts with some of them. These contracts contain the nondiscrimination provisions required by the Executive order. In cases where the contract exceeds $50,000, the railroad is required to file extensive compliance reports. Complaints addressed to us against railroads are investigated. In the near future it is expected that a comprehensive compliance review will be conducted to determine whether these railroads with which the Department has contracts are in fact complying with the requirements of the Executive order.

(B) MEASURES TAKEN OR CONTEMPLATED TO OVERCOME PAST PRACTICES OF DISCRIMINATION IN POSTAL SERVICE

This Department has enunciated a policy of compliance with the letter and spirit of President John F. Kennedy's Executive Order 10925—Equal Employment Opportuinity. It has been made clear that discrimination because of race, color, creed, or national origin will not be tolerated in any manner at any level in the postal service. This policy has been given effect through the development of a comprehensive, affirmative action program touching every facet of the Department's operations. Examples of specific measures taken:

Executive Order 10925 given wide distribution throughout the postal service.

A merit promotion policy established and implemented, prohibiting any racial, religious, or other improper discrimination in promotions.

Position of special assistant for employee relations established and filled, on the Regional Director's immediate staff, in each of the Department's 15 regional offices. These officials serve as deputy employment policy officers, responsible for day-to-day coordination of compliance and affirmative action programs in their regions. Each has a part-time staff of hearing officers—investigators to assist in processing complaints of discrimination.

Top-level departmental Board of Appeals and Review established and staffed. This three-man Board processes and reviews all equal employment opportunity cases prior to final decision by the employment policy officer, and assists in coordination of the Department's affirmative action program.

Special surveys and studies of status of minority group employees.

Special programs to accelerate recruitment and promotion for minority group individuals.

Training in depth for regional officials, postmasters, supervisors, and hearing officers-investigators.

Conferences and consultations with civil rights and intergroup relations organizations and minority group community leaders.

Organization of councils to promote equal employment opportunity.

Equal employment opportunity conferences with employee organizations.

Participation in regional meetings throughout the country sponsored by the President's Committee on Equal Employment Opportunity.

Issuance of "Code of Ethics for Postal Employees," containing the Department's nondiscrimination policy, and its distribution to all employees.

Development and maintenance of a comprehensive affirmative action program by each postmaster at the 313 largest offices, employing 92 percent of all minority group individuals in the postal service. Programs must meet standards established by the De-

partment, receive approval of the region's special assistant for employee relations, and indicate specific tangible targets of achievement.

Segregated (dual) locals of employee organizations have been eliminated, with cooperation of the national employee organizations. Recognition is withheld from any employee organization which discriminates in its terms or conditions of membership because of race, color, creed, or national origin.

Complaints are investigated and adjudicated, and corrective action taken where found warranted.

A large number of appointments and promotions of minority group individuals have been made to key positions in the service, including:

Deputy Assistant Postmaster General, Bureau of Transportation, GS–18.

Postmaster, Los Angeles, PFS–18.

Personnel Director, Chicago Region PFS–17.

Assistant Postmaster, Washington, PFS–16.

Appeals Officer, Department, GS–15.

Chief of Employment, New York Region, PFS–15.

Chief of Schemes and Routing, New York Region, PFS–15.

Assistant Tour Superintendent, Chicago Post Office, PFS–14.

Chief, Vehicle Operations Branch, Minneapolis Region, PFS–14.

Confidential Assistant to the Postmaster General, GS–13.

Assistant to Board of Appeals and Review, GS–13.

Mechanical Engineer, GS–13.

Superintendent of Employment and Compensation, Chicago Post Office, PFS–13.

SENIORITY CONSIDERATIONS IN PROMOTIONS AS A LIMIT TO OPPORTUNITIES FOR NEGROES

The principal area in which seniority considerations have tended to limit promotion opportunities for Negroes has been in promotions from a lower supervisory level to a higher supervisory level, the reason being that relatively fewer Negroes were promoted into the supervisory ranks prior to 1961. The Department's merit promotion policy is intended to overcome that handicap insofar as possible. Supplemental measures have been necessary in some cases through the directed promotion of qualified Negroes. Whether in promotions between supervisory levels or in other promotions, if it is found that undue weight has been attributed to seniority and discrimination has resulted, corrective action is directed.

(C) STEPS TO ELIMINATE THE REPORTED CONTINUED SEGREGATION IN THE POSTAL INSPECTION SERVICE

During the past 2 years eight Negroes have been appointed on the clerical staff of the Inspection Service (headquarters and field). In addition, a number of Negro investigative aids work with and assist inspectors on depredation cases throughout the country. During the 2-year period the Inspection Service conducted full field investigations of 19 Negro applicants for the position of Postal Inspector. One of these met all of the rigid requirements of the position and was appointed Postal Inspector. Although turnover in the Inspection Service is relatively small, continuing efforts are underway to further improve employment opportunities for Negroes in that branch of the Department.

(D) ADEQUACY OF EXISTING AUTHORITY UNDER THE CONSTITUTION OR LAWS OF THE UNITED STATES TO ASSURE NONDISCRIMINATION IN ALL OF THE POST OFFICE DEPARTMENT'S PROGRAMS

Our present view is that sufficient authority does exist.

Sincerely yours,

J. EDWARD DAY,
Postmaster General.

Mr. JAVITS. Madam President, I point out that the basic and most important item contained in this letter appears at the end. Question D is as follows:

Adequacy of existing authority under the Constitution or laws of the United States to assure nondiscrimination in all the Post Office programs?

Answer:

Our present view is that sufficient authority does exist.

It seems to me that that is crystal clear as to a great Government Department and what it thinks about the situation.

There are detailed a considerable number of activities in which the Department is now engaged. But I point out, in respect to airlines, that they say:

In the absence of a contract the Department appears to have no jurisdiction over the employment policies of the airlines.

I ask the question: What about a contract? Why not a provision in the contracts to prevent discrimination by the airlines?

Apparently only one of the airlines, American Airlines, is a participant in the plans for progress program, under which they have agreed with the President's Committee on Equal Opportunity to abide by the provisions of the Executive order on nondiscrimination.

What about the airlines?

The report goes on to detail other matters, such as promotion in the Department, on which the Department apparently is at work, and the report details the steps which the Department has already taken, which are very impressive. They are impressive because they indicate how serious the situation still remains, since one of the items in which they take pride is that—

Segregated (dual) locals of employee organizations have been eliminated, with the cooperation of the national employee organizations. Recognition is withheld from any employee organization which discriminates in its terms or conditions of membership because of race, color, creed, or national origin.

I think we have a right to ask, "How long, O Lord, how long has this been going on, before they are able to report in a current way that it has been eliminated?"

I come next to the Housing and Home Finance Agency, and I ask unanimous consent that the letter of request and the letter of reply may be printed in the RECORD.

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

APRIL 27, 1963.

Hon. ROBERT C. WEAVER,
Administrator, Housing and Home Finance Agency, Washington, D.C.

DEAR MR. WEAVER: In connection with the Executive order on equal opportunity in housing, would you be good enough to advise me at your earliest convenience as to the following questions:

A. Aside from the complaint procedure, what steps are being taken to review the activities of builders, developers, FHA approved lending institutions, and local housing authorities to assure compliance with the Executive order? Can you cite any instances in which Negroes have rented or purchased housing units as a result of the application of the Executive order?

B. What specific steps are contemplated or have been taken to inform potential Negro purchasers of the identity and location of housing units subject to the order? With respect to acquired properties where lists are now available to the public, have reporting procedures been established to determine whether Negroes are availing themselves of the lists?

C. What steps have been taken to implement section 102 of the Executive order? Has any selection been made of appropriate cases for referral to the Department of Justice for purposes of litigation? What programs have been developed to secure voluntary desegregation of housing covered by section 102 of the Executive order?

D. In approving plans, what steps do PHA and URA take to assure that the sites selected and contemplated reuse will promote the purposes of the Executive order? What steps does URA take to assure that families displaced by urban renewal development will be relocated in decent, safe, and sanitary housing available on a nondiscriminatory basis?

E. In view of the fact that the Executive order represents a fundamental reversal of policy, have any training or orientation programs been developed to assure that the operating staff at all levels is familiar with the intent of the order and the policy of the agency? What instructions have been given to the field personnel to guide them in determining whether builders or developers are in compliance with the terms of the order?

F. Has any determination been made about whether effective implementation of the Executive order would require broadening its coverage to include the lending practices of federally insured or regulated financial institutions?

G. What steps have been taken to enforce the policy of nondiscrimination in employment on PHA and CFA projects?

I would appreciate your early reply.

With best wishes.

Sincerely,

JACOB K. JAVITS.

HOUSING AND HOME FINANCE AGENCY, OFFICE OF THE ADMINISTRATOR,
Washington, D.C., June 26, 1963.

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

DEAR SENATOR JAVITS: This is in further reply to your letter of April 27, 1963, in which you made numerous inquiries pertaining to Agency implementation of the Executive order on equal opportunity in housing and inquired as to steps which had been taken to enforce the policy of nondiscrimination in employment on PHA and CFA projects.

The basic programs administered by this Agency which are subject to the Executive order on equal opportunity in housing are the following:

1. Home mortgage insurance programs: Administered by the Federal Housing Administration.

2. Low-rent public housing program: Administered by the Public Housing Administration.

3. Urban renewal program: Administered by the Urban Renewal Administration.

4. Senior citizens housing and college housing loan programs: Administered by the Community Facilities Administration.

5. Sale of reacquired housing: Federal Housing Administration.

6. Sale of housing owned by Atomic Energy Commission in Los Alamos: To be administered in the community disposition program in the Office of the Administrator pursuant to a recent Executive order.

Preliminary to answering your specific inquiries, I would like to make some general observations about the application and implementation of the Executive order. As

you know, the Executive order which was issued on November 20, 1962, became effective immediately. Within a few weeks this Agency issued detailed rules, regulations, and instructions to implement section 101 of the order to assure that housing and related facilities to be built in the future pursuant to Federal aid agreements executed after the effective date of the order would be available on a nondiscriminatory basis. Shortly after the order was issued we prepared a question and answer pamphlet and had substantial quantities of this pamphlet and the Executive order printed for distribution to interested groups and individuals.

Section 101 of the Executive order directs the various Federal departments and agencies to take all necessary and appropriate action to prevent discrimination in housing and related facilities which are to be provided in the future with Federal aid. Since the order has been in effect only a little more than 6 months, the amount of housing and related facilities constructed pursuant to post-Executive order Federal aid agreements has thus far been very small. We can expect, however, that this volume will increase substantially within the next few months, particularly with reference to FHA-aided housing and we are confident that the measures adopted by this Agency to assure nondiscriminatory access to such housing and related facilities are adequate to achieve the objectives of the Executive order.

Section 102 of the Executive order directs the various departments and agencies to use their good offices and to take other appropriate action permitted by law, including the institution of appropriate litigation, if required, to promote the abandonment of discriminatory practices in existing housing heretofore provided with Federal financial assistance. As you know, Federal-aid agreements executed prior to the issuance of the Executive order generally do not contain a provision requiring nondiscrimination. However, pursuant to the mandate of the Executive order this Agency has been using its good offices throughout its programs to eliminate discrimination. We are continually studying also the question as to what other appropriate action can be taken, including litigation, with reference to existing commitments. I am sure you can appreciate that such action requires careful consideration of the legal rights which were vested prior to the issuance of the Executive order and should not be taken precipitously. Therefore, we have sought the advice and assistance of the President's Committee on Equal Opportunity in Housing. Discussions in this matter are now in progress.

I will now take up your questions in the order in which they were posed:

A. Aside from the complaint procedure, what steps are being taken to review the activities of builders, developers, FHA-approved lending institutions, and local housing authorities to assure compliance with the Executive order? Can you cite any instances in which Negroes have rented or purchased housing units as a result of the application of the Executive order?

Each of the constituents of the Housing and Home Finance Agency requires as a condition to the granting of aid (in the form of loans, grants, contributions, or mortgage insurance) that the housing and related facilities provided with such Federal aid will be available only on a nondiscriminatory basis. A violation of such requirements may result in the imposition of sanctions. In view of the fact that there has been very little construction completed pursuant to Federal aid agreements containing these requirements, as heretofore stated, there has been little compliance activity up to the present time. However, we have made considerable progress in developing our compliance program. We have issued detailed complaint procedures which provide for the filing and processing of complaints at the local level with a right of appeal to the central offices. In our compliance procedures we will not rely only on complaints from individuals who allege that they have been discriminated against in their attempts to rent or purchase housing, but we will entertain complaints from organizations who are interested in protecting the rights of minorities. In addition, we will continue to receive information concerning the practices of builders, lending institutions, and local housing authorities throughout the country, from many interested groups and individuals. Each allegation of discrimination, whether in the form of a complaint or otherwise, is followed up by investigation and such action as is deemed appropriate under the circumstances. I wish to stress, however, that the above constitutes our existing procedures. We are continually studying additional measures to obtain compliance as we gain further experience under the Executive order.

In the Urban Renewal program before any Federal aid contract is entered into between HHFA and a local public agency (LPA) planning or undertaking an urban renewal project, the LPA must furnish appropriate written assurances that it, and other public bodies involved, recognize their obligations concerning the requirements of the Executive order and related policies of the Urban Renewal Administration. These assurances are a matter of public record and are embodied in resolutions by the LPA or the governing body of the locality. Consequently, no contract is entered into unless the relevant public bodies put their good faith assurances in the record.

The Federal loan or grant contract provides that affirmative nondiscrimination covenants running with the land be inserted in deeds given by the LPA to redevelopers of urban renewal land which may be used for housing or facilities related to housing and the LPA is further obliged to enforce that covenant. Within this framework it is believed that adequate distribution of promotional and informational materials, quarterly reporting on racial occupancy in dwellings constructed on urban renewal land, and staff training will adequately complement the established complaint procedure to assure compliance with Executive order requirements.

In the low-rent public housing program administered by the Public Housing Administration (PHA) section 101 of the Executive order was implemented by including a nondiscrimination clause in the annual contributions contracts entered into between PHA and the local authorities. PHA in its manuals and instructional material to the local authorities, spells out the obligations of these authorities under the contract clause and suggests local authorities are also advised that publicity concerning occupancy opportunities shall include the information that the projects will be or are being operated under a policy of equal opportunity without regard to race, color, creed, or national origin. In the PHA's regularly scheduled audits and reviews of local authority activities, particularly the occupancy audits and management reviews, local authorities will be audited for compliance with these obligations.

The Federal National Mortgage Association (FNMA) which as you know is engaged in secondary market operations for home mortgages provides in its "Sellers' Guide" that mortgage sellers are required to comply with the provisions of the Executive order in accordance with applicable FHA and VA rules and regulations and that failure to comply will be considered as a basis for termination of the selling agreement. A parallel, substantially identical, provision is contained in FNMA's "Servicers' Guide" applicable to institutions servicing mortgages for FNMA. The activities of FNMA's mortgage sellers and mortgage servicers, including activities in relation to the Executive order, are subject to examination by FNMA management and audit personnel visiting the institutions involved. These visits are made on a routine basis.

Generally in the housing industry rental units on which financing was secured after November 20 would not be on the market at this time but should be coming on the market very shortly. This is also true of sales units although there are undoubtedly some on the market at the present time. Under the circumstances, it is too early to expect any significant reports of new housing units rented or sold to Negroes. In the low-rent public housing program, housing being built subject to section 101 of the Executive order has not yet reached the occupancy stage. This is true also of other programs administered by this Agency.

On November 21, 1962, the Peoria, Ill., Housing Authority unanimously adopted a policy of open occupancy for its three existing projects. The open occupancy policy has previously been made applicable to two of the projects and the result of the resolution was to extend this policy to the third project, previously all white. The resolution makes reference, inter alia, to the Executive order and states "That, in strict compliance with the President's Executive order, issued effective today, the Peoria Housing Authority hereby complies fully and immediately with the intent of said Executive order."

On December 4, 1962, the Decatur, Ill., Housing Authority announced at an open meeting the agreement of its commissioners to revoke their unwritten policy of racial segregation. Negro tenants had previously been confined to 54 of the projects' 434 units, separated from the white section by railroad tracks. The March 1963 occupancy report shows 68 Negro families in occupancy, indicating that a number of Negro families have rented housing units in the formerly all white section as a result of this change of policy. Although the local authority adopted no formal resolution, we believe that the issuance of the Executive order influenced the change of policy.

B. What specific steps are contemplated or have been taken to inform potential Negro purchasers of the identity and location of housing units subject to the order? With respect to acquired properties where lists are now available to the public, have reporting procedures been established to determine whether Negroes are availing themselves of the lists?

FHA has instituted a procedure whereby it initiates and maintains for each subdivision a record of applications received in groups of five or more for all proposed construction. The record is captioned "Proposed Construction Applications Received for Five or More Properties in Subdivisions." It is a cumulative record, posted daily on a bulletin board in the lobby of each office so that the information is available to the general public. The list contains:

(a) Receipt date of applications.

(b) Number of applications received.

(c) The name and location of the subdivision.

It should be noted that developers of private housing who secure FHA commitments customarily advertise this fact widely as it affects both the price and the down payment required for a purchase and therefore make the developments more attractive competitively. It is expected that members of minority groups who are actively interested in purchasing homes will seek out these ads in the knowledge that FHA-aided new construction must be sold on a nondiscriminatory basis.

As far as acquired properties are concerned, FHA has an open listings policy which makes it possible for any real estate broker to sell properties. The Commissioner, the members of his staff, field office directors,

and zone intergroup relations advisers, through the media of speeches, public pronouncements, letters to trade groups, civil rights organizations and community groups, have urged Negroes and other minorities to avail themselves of opportunities to utilize FHA-acquired properties as a source of securing housing.

With further reference to FHA-acquired properties, you will be interested to know that prior to the issuance of the Executive order, URA and FHA arranged that the availability of such properties would be made known to all families to be displaced by urban renewal activities. An up-to-date listing of all these properties is required to be posted in all local public agency relocation offices. Referrals are made to any family interested in buying or renting such properties.

FHA does not maintain any records in the insuring office on the basis of race; consequently, it has no regular reporting procedure to determine whether its acquired properties are purchased by whites or nonwhites. They do, however, make inquiries from time to time, through the intergroup-relations service, in an effort to ascertain to what extent Negroes are purchasing or renting FHA-acquired properties.

As we previously pointed out we have prepared and distributed to the general public a pamphlet on the Executive order in the form of questions and answers covering all programs administered by HHFA and its constituents. This pamphlet explains the type of federally aided housing which is subject to the order. Another pamphlet, to be directed more toward potential minority group purchasers and renters of both private and public housing is now being prepared.

C. What steps have been taken to implement section 102 of the Executive order? Has any selection been made of appropriate cases for referral to the Department of Justice for purposes of litigation? What programs have been developed to secure voluntary desegregation of housing covered by section 102 of the Executive order?

This Agency has taken many steps under section 102 of the order to use its good offices to eliminate discrimination with respect to housing and related facilities constructed with pre-Executive order Federal aid.

Intergroup relations officers in the PHA's central and regional offices have been engaged, even prior to the Executive order, in programs to secure voluntary open occupancy policies by local authorities. These efforts have been intensified and are now an operational responsibility of all members of the PHA staff. They include such activity as advice and assistance on occupancy planning, dissemination of information among local authorities concerning successful open occupancy programs in other communities, suggestions concerning specific programs of public information and civic group orientation, and assistance in arranging training programs for local authority staff and others (such as the series of forums sponsored by the Institute for Human Relations of Jersey City State College).

The PHA has used its good offices in cases brought to its attention of alleged discrimination in housing projects not covered by the contract clause for equal opportunity in housing. In such cases, we have requested the appropriate PHA regional director to communicate with the local authority and the complainant and use his good offices in an effort to eliminate any discriminatory practices.

Another policy adopted by PHA to implement section 102 of the Executive order is to urge local authorities to apply section 101 of the Executive order to projects not covered by section 101. This policy is expressly stated in the manual. PHA has sent to its regional offices instructions for complying with requests of local authorities to extend the provisions of section 101 of the Executive order to such projects, including an appropriate contract clause to accomplish this.

PHA also has a policy of cooperation with State and local officials in jurisdictions having nondiscrimination laws, including a policy of entering into written memorandums of cooperation with State officials.

As a means of implementing section 102, URA has instituted a program of urging all local public agencies to agree to amend contracts for loan and grant entered into on or prior to November 20, 1962, to include the policies and requirements of the Executive order. Moreover, redevelopers are being asked to amend their existing disposition contracts for title I land to include the provisions of the Executive order and to place the nondiscrimination covenant in all deeds to project land.

A quarterly reporting system in the urban renewal program has been established to report racial occupancy in housing constructed in urban renewal project areas. On the basis of latest tabulated reports, action has been taken to ascertain reasons for the absence of nonwhite occupancy in seven project areas. Reports have been received on five of these. They reveal that one now has nonwhites in occupancy and four others have open occupancy policies but, as yet, have had no nonwhite applicants. In two instances local NAACP branches have been active in helping redevelopers to attract nonwhite purchasers.

FHA has established procedures in which it is made manifest to the field offices that it expects them to carry out FHA's responsibilities under the Executive order expeditiously and adequately. FHA promptly issued its regulations implementing the Exeutive order. (Commissioner letter No. 7, issued Nov. 28, 1962.) On December 10, 1962, a letter was sent to all qualified title I lending institutions advising them of FHA's amended regulations and outlining the basic Federal policy created by the Executive order. By letters to the field offices FHA has effectively denied all FHA services to builders and developers who refuse to agree to abide by the nondiscrimination policies established by FHA.

No cases have as yet been referred to the Department of Justice.

D. In approving plans, what steps do PHA and URA take to assure that the sites selected and contemplated reuse will promote the purposes of the Executive order? What steps does URA take to assure that families displaced by urban renewal development will be relocated in decent, safe, and sanitary housing available on a nondiscriminatory basis?

PHA policies require as one of the criteria for site selection suitability of the site from the standpoint of facilitating full compliance with the equal opportunity requirement of the Executive order. Its policy is to promote this objective at the earliest stages of project planning and site consideration.

The selection of the boundaries of an urban renewal area is a matter for local determination, provided the area is eligible for urban renewal treatment under State law and Federal law and regulations. Agency regulations provide, however, that the boundaries of the area must be determined without consideration of the race, religion, color, or national origin of the residents. Each LPA must assure, further, that the project will not result in a reduction of the supply of dwellings available in the community to racial minority families. A project which will result in a substantial net reduction in the supply of housing in the project area available to racial minority families may be undertaken only if standard housing replacing the loss is provided elsewhere in a community in new or existing dwelling units not previously available to the minority group.

In addition, URA regulations are being revised with respect to the community renewal program, which is a citywide action plan for renewal and related activities. URA regulations in this regard are being revised with respect to grants for community renewal programs to make equal opportunity in housing an essential factor in the development of communities engaged in such programs. Furthermore, URA is asking cities which have CRP's underway to include this basic objective in their existing programs. Specifically, URA is requiring that CRP's include: (1) An analysis of the existing pattern of housing occupied by Negroes and other minorities and the extent to which this pattern is a result of discrimination; (2) projection of the housing needs of Negro and other minority families displaced by urban renewal and other public action, or newly moving into the community; (3) development of an affirmative program to increase the quantity, improve the quality, and eliminate barriers to housing for Negro and other minority families.

It is of prime concern to HHFA that all site occupants relocated from urban renewal projects be afforded the opportunity of moving to housing that is decent, safe, and sanitary, and within their financial means. Before Federal financial assistance for undertaking a project is extended, the LPA must submit to URA information with respect to the number of site occupants and the supply of such housing suitably located in the locality, indicating white and nonwhite availability. If a problem in rehousing minority groups exists, the proposed solution must be detailed. Proposals describing the manner in which relocation housing is to be obtained for all displacees must also be submitted. These include, but are not limited to, the publicizing of vacancies, interviews with site occupants to determine their needs, referrals to cooperating private real estate firms and landlords, and inspections of relocation housing. Such information is carefully reviewed, and the execution of a project is not approved unless these proposals are feasible. During project execution, quarterly reports and periodic inspections check on performance. As a further step in meeting its responsibility regarding the relocation of families displaced by urban renewal, URA is revising its relocation regulations to prohibit the listing of housing accommodations that are not available to all families regardless of race, color, creed, or national origin. Thus the local renewal agency in listing housing available to families being displaced because of urban renewal will be precluded from including units that are denied to minority families.

E. In view of the fact that the Executive order represents a fundamental reversal of policy, have any training or orientation programs been developed to assure that the operating staff at all levels is familiar with the intent of the order and the policy of the agency? What instructions have been given to the field personnel to guide them in determining whether builders or developers are in compliance with the terms of the order?

Since the Executive order was issued it has been the policy of this Agency to make its implementation a line responsibility. I have repeatedly stated in top staff conferences that every one in the Agency has a responsibility for carrying out the letter, spirit and intent of the order. Each of the constituent agencies is responsible for training its own staff and for implementation of the order within its regular operating functions. Implementation of the order is discussed at the regular meetings that I have with the heads of the constituent agencies and units and the general counsel of HHFA. At the present time the Commissioners of the constituent agencies and units, the general

counsel and I are engaged in a series of regional meetings with field officials with reference to Agency policies and procedures under the Executive order.

The seven regional offices of HHFA have jurisdiction over the various programs administered by the Urban Renewal Administration and the Community Facilities Administration. Special orientation meetings have been held in Washington with the regional administrators and the regional counsels. Furthermore, a Washington conference of Regional Intergroup Relations Officers is scheduled for July at which time additional instructions will be provided so that they may carry out their specific responsibilities under the order. We are in the process of staffing each regional administrator with an intergroup relations specialist.

In FHA the operating staff has been constantly reminded that it is FHA's policy to carry out all of its responsibilities and functions without regard to the race, creed, color or national origin of the applicants or users of its services. Through the media of personal discussions with field office personnel by members of the central office staff and members of the Intergroup Relations Service, the field office personnel in FHA has been repeatedly reminded of its determination to effectively carry out the letter and spirit of the Executive order to promote an open market in housing. Commissioner Brownstein's speech on the Executive order before the American Marketing Association in Chicago on March 25, 1963, which demonstrated the firmness of FHA's policy on nondiscrimination was disseminated throughout the Agency.

In the Public Housing Administration all manual and instructional material relating to the Executive order which has been transmitted to local authorities, was also distributed to central office and regional office staff. Basic legal and other memorandum and correspondence pertinent to the Executive order were distributed among all key personnel and staff members having responsibilities pertinent to the order, including regional office staffs.

Staff meetings have been held in the central office, including meetings with regional directors and regional section heads in order that they in turn may train and orient their respective staffs. Training and orientation sessions have also been held in the regional offices, and in some regions training conferences were held with local authorities.

PHA will revise its audit and review procedures and will instruct its auditors on reviewing local authority operations to determine compliance with the Executive order.

The Urban Renewal Commissioner has met with top staff in Washington and in all field offices in training sessions.

FNMA's personnel have been instructed as to its policies under the Executive order, with particular emphasis on the provisions of FNMA's Sellers and Servicers Guides and the requirement that the mortgage institutions with which FNMA is concerned comply with FHA and VA rules and regulations under the order.

The Agency has prepared a number of informational documents and studies for the benefit of its own employees, as well as the general public.

A study of "Potential housing demands of nonwhite population in selected metropolitan areas" which has received wide distribution both inside and outside the Agency is an example of the type of material being developed. This was distributed to all FHA field offices. The significance of the report was its disclosure for the first time of the tremendous potential of unmet housing demand in the Negro middle class.

A study is under way of the human relations and economic aspects of private FHA-aided housing developments which were involuntarily opened to Negroes as the result of action by a State agency under a law against discrimination. It is expected that these case studies, which will be completed in the summer, will yield certain general principles of value to builders and to our agencies in successfully implementing the objectives of the order.

An information bulletin for internal distribution is in preparation. This will go regularly to field staff apprising them of significant developments both inside and outside of the agency, which affect their activities in connection with implementing the order.

Some weeks ago a committee was established in HHFA composed of officials of the Office of the Administrator, FHA, PHA, URA, and CFA to develop broad plans for further training of agency personnel with reference to the implementation of the Executive order and to develop educational programs and informational material for local government groups, civic organizations, civil rights groups, industry groups, labor organizations, and others interested in fair housing.

F. Has any determination been made about whether effective implementation of the Executive order would require broadening its coverage to include the lending practices of federally insured or regulated financial institutions?

The effectiveness of the order would undoubtedly be increased by broadening its coverage to include conventional loans made by institutions whose deposits are federally insured or by institutions regulated by the Federal Government.

G. What steps have been taken to enforce the policy of nondiscrimination in employment on PHA and CFA projects?

Executive Order 10925 which established the President's Committee on Equal Employment Opportunity was issued in March 1961. When issued it applied to direct Federal contracting but not to federally aided contracts. Shortly after this order was issued, I directed the heads of all of the constituent agencies and units to continue their policies of nondiscrimination in employment pursuant to provisions in the various Federal aid contracts administered by this Agency.

PHA's annual contributions contracts contain a clause prohibiting local authorities from discriminating against any employee or applicant for employment because of race, religion, color, or national origin; requiring local authorities to insert a similar provision in all contracts in connection with the development or operation of projects and to require contractors to insert a similar provision in all subcontracts (except contracts and subcontracts for standard commercial supplies or raw materials); and requiring the posting at the projects, in conspicuous places available for employees and applicants for employment, of notices to be provided by the PHA setting forth the provisions of the clause. Annual contributions contracts also contain provisions for proof of compliance by construction and equipment contractors. PHA regulations and procedures provide for certain reporting and certifications to be made by the contractor and by the local authority contracting officer, which are available for inspection by PHA representatives. The PHA construction representative's report form includes a report on whether the local authority is enforcing nondiscrimination provisions. This report is turned over to regional intergroup relations officers and labor relations officers for such investigation and action as may be indicated.

The Community Facilities Administration provides financial assistance for construction in the form of loans and grants in the following programs: college housing loan program, senior citizens housing loan program, public facility loan program, accelerated public works grant program, non-Federal school construction grant program, by delegation from the Department of Health, Education, and Welfare.

In all of their loan and grant contracts CFA requires the borrower or grantee to incorporate a nondiscrimination in employment provision in its construction contracts. Contractors are required on payrolls submitted to CFA to indicate which employees are members of minority groups and signs are required to be posted on the projects announcing the policy of nondiscrimination in employment. Field engineers who receive and examine the payrolls are instructed to call to the attention of contractors any failure to include members of minority groups among their employees.

On June 22, 1963, the President issued Executive Order 11114 extending the authority of the President's Committee on Equal Employment Opportunity. The President's Committee will now have jurisdiction over construction contracts financed with assistance from the Federal Government. Construction contracts in the aforementioned PHA and CFA programs are covered by the order.

Enclosed are copies of various issuances by this Agency with reference to the implementation of the Executive order.

I trust that you will find this report and enclosures helpful. If you desire any further information, please let me know.

Sincerely yours,

ROBERT C. WEAVER,
Administrator.

Mr. JAVITS. I think the highlight is the limited character of the President's Executive order banning discrimination in housing. It is pointed out:

> Since the order has been in effect only a little more than 6 months, the amount of housing and related facilities constructed pursuant to post-Executive order Federal aid agreements has thus far been very small.

It is also stated:

> As you know, Federal-aid agreements executed prior to the issuance of the Executive order generally do not contain a provision requiring nondiscrimination.

Again, we wonder why people are angry, when Federal guarantees have been given for years for housing which has been discriminatory or segregated. Even now, the Executive order—and the fact that the Executive order was issued is a very clear indication that the Executive branch itself has no doubt about its authority—is so limited that in 6 months it has not yet had any real effect. That certainly is an indication of why concentrated attention upon this area, which is so peculiarly within the power and authority of the Federal Government, is so vital and essential.

I come now to the Department of Labor, which has given us a partial reply. I ask unanimous consent that my request to the Department, together with a summary of the Department's reply, may be printed in the RECORD. I say "summary" because the Department referred me to testimony which the Secretary of Labor delivered before the committee of the other body which deals with education and labor and equal employment opportunities. Naturally, the testimony covered a wide variety of subjects, so I have summarized it. I ask unanimous consent that my letter, the reply, and the summary may be printed in the RECORD.

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

APRIL 24, 1963.

Hon. W. WILLARD WIRTZ,
Secretary of Labor,
Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: It has been reported that in the administration of several programs by your Department:

1. Provisions are not made to assure that persons intended to benefit by the programs are actually aided commensurate with their need and without regard to their race, creed, color, or national origin; and that

2. Provisions are not made to obtain assurances that Federal funds will be administered in a nondiscriminatory manner, and, through a system of compliance reporting and surveillance, to see that these assurances are carried out.

Would you be good enough to advise me at your earliest convenience as to the following questions:

A. State employment service: What reporting and compliance procedures have been established to ascertain the extent to which State employment offices are conforming to the policies of the U.S. Employment Service which prohibit the acceptance and processing of job orders containing discriminatory specifications? What reviewing and reporting procedures have been established to determine whether Negro and white job applicants are receiving equal service on a nondiscriminatory basis at previously segregated employment service offices? Where are segregated offices still maintained? To what extent are applicants limited to particular local offices by geographic districts and neighborhoods and to what extent does this practice operate to limit equal job opportunity?

B. Apprenticeship program: What procedures have been established to measure the impact of the nondiscrimination provision which is now included in registered apprenticeship standards? Where are Negroes participating in training programs from which they had heretofore been excluded? Since the adoption of this policy, which State apprenticeship agencies have adopted a corresponding policy statement?

C. Manpower Development and Training Act and Area Redevelopment Act: What steps have been taken to assure that all potential trainees are recruited, selected, tested and referred on a nondiscriminatory basis? Please furnish a list of programs which have only white trainees, those which have only Negro trainees and those which have both, including the locations of the programs and the skills for which persons are being trained. Where State employment services do not operate on a nondiscriminatory basis, has your Department considered performing these functions directly under MDTA?

D. Is it your Department's view that sufficient authority already exists under the Constitution or laws of the United States to condition the grant of Federal funds upon assurance of nondiscrimination, or is enactment of further Federal law considered necessary?

I would appreciate your early reply.

With best wishes.

Sincerely,

JACOB K. JAVITS,
U.S. Senator.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE UNDER SECRETARY,
Washington, D.C. June 7, 1963.

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

DEAR SENATOR JAVITS: Secretary Wirtz has asked me to provide a further response to your letter of April 24, 1963, which raised a number of questions about the administration of several programs by the Department of Labor. Inasmuch as most of your questions deal with nondiscriminatory administration of services, I believe you will find the Secretary's testimony on June 6, 1963, before the General Subcommittee on Labor of the House Committee on Education and Labor to be responsive. I am therefore enclosing a copy of that testimony.

In your telegram to Secretary Wirtz of June 6, 1963, you acknowledged the complexity of the issues raised in your inquiry. With specific reference to your questions whether the Department now has legal authority to condition grants of Federal funds upon assurance of nondiscrimination, we are presently studying this complex legal question and will advise you as soon as our study is completed.

With best wishes and kindest personal regards, I remain

Sincerely yours,

JOHN F. HENNING,
Under Secretary of Labor.

SUMMARY OF TESTIMONY OF W. WILLARD WIRTZ, SECRETARY OF LABOR, BEFORE THE GENERAL SUBCOMMITTEE ON LABOR, HOUSE COMMITTEE ON EDUCATION AND LABOR, ON EQUAL EMPLOYMENT OPPORTUNITIES, JUNE 6, 1963

Existing programs of the Federal Government which are directed at meeting this situation:

1. Establishment of an equal employment opportunities standard and requiring adherence to this standard in the area of employment within the Federal Government and by Government contractors: under Executive Order No. 10925 issued on March 6, 1961, the President's Committee on Equal Employment Opportunity has produced the following result:

Personnel files of employees have been reviewed to locate any underutilized personnel.

Training programs to permit promotion and transfer from jobs which restrict opportunities for promotion have been instituted.

Employees and supervisors have been instructed in the new equal employment procedures.

A complaint procedure is in operation, and it provides not only for investigation but also for the correction of any instances of discrimination. As of April 30, 1963, the Committee had received 2,156 complaints relating to Government employment, more than twice the number received by its predecessor Committee during the entire 6 years of its life. To date, two-thirds of these cases have been closed; corrective action was found necessary and was taken in 38.3 percent of the cases.

Recruiting programs have been enlarged and broadened to embrace colleges and universities with predominantly Negro student bodies to insure that no person is overlooked or excluded from the Government's efforts to hire the most qualified applicants regardless of race or creed. Where appropriate, suggestions have been made which would strengthen the curriculums of these schools in order to enhance the opportunities of their graduates to secure Governmental positions.

The Committee's annual census of employment in the Federal Government shows that in the period June 1961 to June 1962 the number of Negroes employed by the Federal Government increased by more than 10,000. Over half of this increase took place in the middle grades (jobs paying from $4,500 to $10,000 annually), an increase of almost 20 percent and a rate of increase over three times the rate of all employees in those grades. Even more dramatic progress was achieved in the higher grades, where the number of Negroes at or above GS–12 increased over 35 percent.

2. The President's Committee has requested the Civil Service Commission to direct Federal agencies to cease recruiting visits to, acceptance of referrals from, business or secretarial schools, employment agencies or training institutions which are not operated on a nondiscriminatory basis, and to cease training employees at such places.

3. In regard to Government contract employment Executive Order 10925 requires contracting agencies to include in their contracts a set of provisions designed to insure not only that Government contractors will not discriminate but that they "will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." Thus far, 914 complaints have been fully investigated and corrective action has been taken in 641 cases.

4. The President's Committee has undertaken two programs to secure the voluntary cooperation of employers and unions. Plans for progress have been signed with 105 companies employing more than 5 million persons. Data thus far available indicate that almost 25 percent of the new hires of these companies have been of minority group members. Programs for fair practices have been signed with 118 international union affiliates of the AFL–CIO, which have a combined membership of almost 13 million workers. A questionnaire is being circulated to each of these unions asking for a progress report on their efforts.

5. A 50-man task force has been set up to review all Federal construction programs to prevent any racial discrimination in hiring practices, either directly in the rejection of presently available qualified Negro workers or indirectly by the exclusion of Negro applicants for apprenticeship training.

6. The President announced his intention to issue an Executive order extending the authority of the Committee to include construction of buildings and other facilities undertaken by States, local governments and private agencies under Federal grant-in-aid programs. (Executive Order No. 11114, issued on June 22, 1963.)

7. Committee is investigating the construction industry in the District of Columbia, and procedures are now being established and implemented, including designation by the Bureau of Apprenticeship and Training of four minority specialists to work full time in various parts of the country; establishment of an Information Center in the District of Columbia to serve as a clearinghouse for information about apprenticeship openings and requirements; establishment of a National Advisory Committee on Equal Opportunity in Apprenticeship and Training; and promulgation of standards to be applied in Government contract situations and to all federally registered apprenticeship programs.

8. Under the Manpower Development and Training Act of 1962, training and retraining programs covering approximately 44,000 men and women have been approved. Fifteen thousand trainees have been enrolled. Of these, 20.3 percent are nonwhites; 27 percent of these are taking courses leading to various white collar jobs; 27 percent are being trained for employment in a number of skilled occupations. In several areas specially designed programs have been contracted for to give special guidance, counseling, testing, training and placement to disadvantaged youth, especially those of minority groups.

9. Significant progress has been made by State employment security agencies in improving employment services for minority group jobseekers. To whatever extent the legislation underlying the training and Employment Service programs bears directly on this issue, its direction is clear: these programs are to be administered without regard to race, creed, color or national origin. Nevertheless, there remain some differences in the administration of these programs in some of the State offices through which these programs are carried out. Efforts are being

made to assure that services and offices facilities shall be provided without segregation or discrimination; that nondiscrimination is a prior condition of approval of training programs; and that Employment Service personnel is on a merit system basis.

10. Four sectional conferences have been sponsored with college presidents and executives of predominantly Negro institutions of higher learning.

Mr. JAVITS. This summary very clearly shows that although some things are being done in the Labor Department, there is still much to be desired. For example, as we know, the Federal Government gives aid to the employment security program, that is, to the Federal Employment Services, which are carried on through the States. I am sorry to say that segregation still persists in those programs. In that regard I cite the testimony of the official of the Department, Robert C. Goodwin, Administrator of the Bureau of Employment Security of the Labor Department, given before the Manpower Subcommittee of the Committee on Labor and Public Welfare of the Senate on June 20, 1963. He admitted that some degree of segregation persists in certain offices. He testified that, "there are 3 where there is a completely geographic segregation; in other words, what we call an office for Negroes," and there are "10 offices where there is some degree of segregation within the same building."

In some cases there is geographic segregation, with one office for Negroes and one office for whites. In other cases there is segregation within the office itself.

In conclusion, I believe that the disbursement of Federal funds is a powerful and critical element in the Nation's struggle to live up to the words and spirit of the Constitution.

I ask unanimous consent that a complete chart of the amounts expended in Federal aid to State programs—running into hundreds of millions of dollars—which will also show the amounts the respective States pay into the Federal Treasury, may be printed in the RECORD.

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

Federal aid and Federal taxes, by States, fiscal year 1962

	Federal aid payments	Federal taxes collected
Alabama	$229,037,755	$649,214,000
Alaska	55,502,828	69,398,000
Arizona	96,991,783	372,882,000
Arkansas	136,613,806	280,519,000
California	925,521,814	9,091,751,000
Colorado	146,782,025	1,221,770,000
Connecticut	116,636,067	1,715,444,000
Delaware	21,040,544	835,030,000
District of Columbia	103,870,336	(1)
Florida	196,246,143	1,482,073,000
Georgia	246,184,052	1,142,211,000
Hawaii	64,372,663	272,265,000
Idaho	68,611,566	177,090,000
Illinois	459,018,351	7,755,691,000
Indiana	190,855,092	2,177,810,000
Iowa	145,345,585	787,208,000
Kansas	136,502,765	695,681,000
Kentucky	194,096,066	1,689,052,000
Louisiana	272,377,422	783,913,000
Maine	52,481,576	246,845,000
Maryland	154,030,558	[2] 2,351,669,000
Massachusetts	289,845,223	2,868,404,000
Michigan	346,543,023	6,812,451,000
Minnesota	208,469,371	1,566,884,000
Mississippi	147,778,029	270,793,000
Missouri	$276,935,068	$2,313,439,000
Montana	77,008,680	162,892,000
Nebraska	91,451,074	613,709,000
Nevada	32,238,101	177,326,000
New Hampshire	39,530,610	212,114,000
New Jersey	211,556,946	3,114,794,000
New Mexico	92,053,625	216,260,000
New York	737,851,692	18,953,732,000
North Carolina	211,413,784	2,521,001,000
North Dakota	81,138,374	107,693,000
Ohio	454,412,100	5,963,361,000
Oklahoma	222,016,261	940,403,000
Oregon	154,709,782	613,469,000
Pennsylvania	456,403,153	6,433,319,000
Rhode Island	47,061,675	387,944,000
South Carolina	114,766,907	412,409,000
South Dakota	89,798,444	139,358,000
Tennessee	224,392,558	863,508,000
Texas	500,294,516	3,595,287,000
Utah	76,059,580	280,728,000
Vermont	49,795,192	102,464,000
Virginia	184,178,538	1,487,453,000
Washington	187,302,719	1,202,140,000
West Virginia	113,363,800	336,937,000
Wisconsin	171,271,870	1,704,138,000
Wyoming	60,505,352	95,234,000
Territories and undistributed	423,284,762	1,173,679,000
Total	10,385,549,606	99,440,839,000

[1] See Maryland.
[2] Includes District of Columbia.

Federal aid and Federal taxes, by States, fiscal year 1962—Continued

Mr. JAVITS. Madam President, the hundreds of millions of dollars of Federal tax moneys disbursed annually by the other Departments and agencies of the Federal Government can undo much that the Department of Justice is trying to do and much that it could do if the pending legislation were enacted. My discussions with civil rights leaders have convinced me that the withholding of Federal funds from uses for racial segregation and discrimination—which subsidize it, as my colleague from Michigan so properly said—would have the most profound effect upon those States which have virtually pledged themselves to deny Negro citizens in their States the rights guaranteed to them as citizens of the United States. The U.S. Civil Rights Commission has added its expert opinion and recommendation that this is a vital step which the Federal Government can and should take at once. It is critical that the precise outlines of Federal authority be defined and that legislation be enacted to fill whatever gaps the Federal Government thinks exist. I do not think any exist. I think the President has the power now. It is in this spirit that the inquiries have been made and I urge my colleagues to consider carefully the results of those inquiries.

We now have a clear showing from the departments themselves that there are many areas, previously not so considered, in which the Federal Government can move to deny aid to State programs on the ground that they are being administered on the basis of segregation or discrimination on racial grounds. I urge the President to cause the remainder of such programs to be reviewed in order to see whether even by the administration's own concept of its powers, a great deal more could be done in this way without waiting for the discretionary authority by statute which the President has requested.

The waiting period is important for this reason, and I close upon this very serious note: The next months are likely to be critical, and executive action along the lines I have indicated could have a determinative effect upon the temper of the civil rights struggle as carried out in this country and upon the character and nature of "demonstrations" which we may experience. This is one clear area we can cover by action which will respond to the justifiable demands of those who have been suppressed and depressed for long.

Madam President, it is worth every bit of my time and energy, and that of my distinguished partner in this effort, the Senator from Michigan [Mr. HART], to find and unearth every area which can be so utilized, because this is a summer of the gravest trial for the Nation, and anything the President, Congress, or any of us can do to relieve the tension, will in my opinion, be a national blessing. In this particular area there is great opportunity, of which I urge the President to take advantage.

Mr. HART. Madam President, I indicated earlier that I have listened with interest to the remarks of the distinguished senior Senator from New York. He has indicated the real purpose behind our effort. I share with him the hope and belief that in the weeks immediately ahead the kind of record that is being made here today will enable us to consider the facts intelligently and respond to the several recommendations made in the President's civil rights message, particularly that section which aims at the use of funds for programs that are worthwhile. In my judgment, such programs will not be killed. Rather, the purpose is to have applicable in the administration of such programs rules which are consistent with the kind of nation we preach to the rest of the world that we are, a Nation that treats all its people with equal hand and equal justice, and does not have one window marked "white" and another window marked "colored," in order that taxpayers, white and colored alike, may participate in Federal programs.

On April 10 of this year the Senate saw some remarkable rollcalls on several efforts to add antidiscrimination amendments to the Youth Employment Act. When the last of these confused performances ended, I suggested to my colleagues that, in this year of 1963, it was high time we faced squarely, not by piecemeal efforts, the task of assuring that Federal funds are no longer spent to underwrite or support patterns of racial segregation and discrimination in this country. In my remarks I urged that every Federal agency examine the authority it now has to withhold funds from programs where discrimination is found to operate. If areas were found where the agencies did not have sufficient authority, then the Congress should undertake to enact the legislation required to supply that authority on an across-the-board basis.

Six days later, the U.S. Civil Rights Commission issued its now famous Mississippi report. The Commission unanimously recommended that:

The Congress and the President consider seriously whether legislation is appropriate and desirable to assure that Federal funds

contributed by citizens of all States not be made available to any State which continues to refuse to abide by the Constitution and laws of the United States; and, further, that the President explore the legal authority he possesses as Chief Executive to withhold Federal funds from the State of Mississippi, until the State of Mississippi demonstrates its compliance with the Constitution and laws of the United States.

I excerpted that passage from the Civil Rights Commission's observations.

Unfortunately, the Commission's report was widely misinterpreted, for it was directed to the very basic issue to which I had spoken on the floor of the Senate.

Dean Erwin N. Griswold, a member of the U.S. Civil Rights Commission, in his recent appearance before the Senate Constitutional Rights Subcommittee, elaborated on this recommendation of the Commission. Dean Griswold said at that hearing:

The Commission was not acting officiously in this matter; it was confined with the duty which has been imposed upon it by an act of Congress to report and make recommendations and it did report to the President and to the Congress, that the Congress and the President consider—now, consider obviously means that you weigh the pros and cons, you examine, you investigate—you consider seriously, whether legislation is appropriate and desirable to be sure that Federal funds, contributed by citizens of all States, will not be made available to any State which refused to abide by the Constitution and the laws of the United States; and that involved a consideration of the nature of the expenditures to be made in Mississippi. And, of course, the Commission did not recommend that funds be cut off from school lunches, or from impecunious mothers, or children, or the blind, or other people for whom Federal funds are to be made available under acts of Congress.

The whole connotation of that word "considered" in the minds of the Commission was that each situation should be separately examined and evaluated, and to the extent that Federal funds are being used, and it is the view of the Commission that they are being used in Mississippi, to enhance, and support and carry forward discriminatory activities, that the President and the Congress should consider whether such use of funds should not be restricted or curtailed, and similarly, the further recommendation was that the President explore the legal authority he possesses as Chief Executive, to withhold Federal funds from the State of Mississippi. I think if we had only underlined those words "considered" and "explored" that the report might not have been so widely misunderstood.

We went ahead to give a specific illustration of what we had in mind. With respect to Federal payments which are currently being made, for the construction of an airport building in Jackson, Miss., the plans for which call for separate restrooms and separate restaurants and we find it difficult to see why the Federal Government in 1963 should be paying money into the State of Mississippi for the construction of a building which provides for separate restrooms and separate restaurants, and we have no doubt that a careful exploration and consideration of other expenditures being made in the State of Mississippi will show similar instances where funds provided by the Federal Government are being used in a clearly discriminatory manner and our recommendation was that, with respect to such situations, the matter be considered by the President and Congress, and that the President explore his powers to deal with them, and I must confess that I still find no reason to object to that recommendation as made.

Neither do I see any reason to object to that recommendation. On the contrary, I believe we owe a large debt of gratitude to the Civil Rights Commission for having put this issue before us so dramatically and unequivocally, and so unanimously, in its recommendations.

The Civil Rights Commission asked that the President explore the authority he possesses as Chief Executive to withhold funds from such programs.

It is evident that the executive branch does possess authority of this nature since such authority was clearly the basis for the President's Executive orders on equal employment opportunity and equal opportunity in housing. The President's housing order, in pertinent part, reads:

Whereas the executive branch of the Government, in faithfully executing the laws of the United States which authorize Federal financial assistance, directly and indirectly, for the provision, rehabilitation, and operation of housing and related facilities, is charged with an obligation and duty to assure that those laws are fairly administered and that benefits thereunder are made available to all Americans without regard to their race, color, creed, or national origin.

In its 1961 report the Civil Rights Commission recommended that this authority, which resides in the executive branch under the Constitution, be extended to require nondiscrimination in various other Federal programs. For example, in its recommendation for new Executive steps on employment, the Commission urged—

That the President issue an Executive order making clear that employment supported by Federal grant funds is subject to the same nondiscriminatory policy and the same requirements as those set forth in Executive Order 10925.

There is a considerable body of opinion which holds that the powers available to the President are sufficient to ban discrimination in all Federal programs.

Therefore, in considering the responsibilities of the Congress in this area, and the scope of any needed legislation, I felt it was essential to ascertain as accurately as possible the views of responsible executive officials of those agencies most directly concerned.

The Senator from New York has described the course he pursued. As he has said, we were in consultation throughout. I should like to indicate the course that I followed.

I directed letters to the heads of 15 Federal departments and agencies with this basic question:

If racial discrimination occurs in those operations and activities of any grant, loan or contract program administered by you, do you consider you lack authority to withhold such Federal funds? If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

In addition, a memorandum of questions was sent to several of the agencies on various aspects of their programs where Executive action to assure nondiscrimination has been or might be taken.

Madam President, I ask unanimous consent that copies of these letters and memorandums to the agencies be printed at this point in my remarks.

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

APRIL 29, 1963.

Hon. ORVILLE L. FREEMAN,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: If racial discrimination occurs in those operations and activities of any grant or loan program administered by you, do you consider you lack authority to withhold such Federal funds? If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

In recent months, I have had a number of specific questions directed to me which are covered in an enclosed memorandum. In addition, I would appreciate any information you can provide on these points.

With every best wish,
Sincerely,

PHILIP A. HART.

MEMORANDUM OF QUESTIONS ON THE ADMINISTRATION OF PROGRAMS BY THE DEPARTMENT OF AGRICULTURE, APRIL 29, 1963

DEPARTMENTAL EMPLOYMENT

What steps are being taken to encourage recruitment of nonwhite employees in your Department, particularly at higher level supervisory positions, and to assure promotion without regard to race?

FARMERS HOME ADMINISTRATION

(a) Where have Negroes been appointed to State and county FHA committees?

(b) Where are Negroes employed by FHA outside of Washington?

(c) Has the segregated employment of Negro field employees been terminated?

(d) To what extent do Negro farmers utilize the benefits of the FHA program?

(e) Is any effort being made to increase use of this program by Negro farmers?

FEDERAL EXTENSION SERVICE

(a) To what extent has discrimination and segregation been eliminated from this program in terms of salaries, personnel, office facilities, and operating procedures?

(b) Are the benefits of this program reaching Negro farmers commensurate with their needs?

(c) What provisions are being made to eliminate segregation in the 4–H Club program?

SOIL CONSERVATION SERVICE

(a) Is this program run on a segregated basis, i.e., are there Negro specialists to work with Negro farmers?

(b) Are the benefits of this program reaching Negro farmers commensurate with their needs?

SCHOOL LUNCH AND MILK PROGRAMS

(a) Is there a disparity in the benefits afforded to white and Negro children under those programs in States where schools are segregated? If so, what accounts for this disparity?

(b) Are the needs of Negro children being adequately served under the existing programs?

RURAL AREA DEVELOPMENT

What steps have been taken or are contemplated to afford expanded opportunities for Negroes under the rural area development program?

MAY 1, 1963.

Hon. LUTHER H. HODGES,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: If racial discrimination occurs in those operations and activities

of any grant or loan program administered by you, do you consider you lack authority to withhold such Federal funds? If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

In recent months, I have had a number of specific questions directed to me which are covered in an enclosed memorandum. In addition, I would appreciate any information you can provide on these points.

With every best wish,

Sincerely,

PHILIP A. HART.

MEMORANDUM OF QUESTIONS ON THE ADMINISTRATION OF PROGRAMS BY THE DEPARTMENT OF COMMERCE, MAY 1, 1963

FEDERAL HIGHWAY PROGRAM

(a) What steps are being taken to enforce the employment nondiscrimination clause in contracts with States under the Federal highway program?

(b) How do you determine the extent to which employment discrimination has been eliminated and the extent to which Negroes have been employed on these projects?

(c) What has been the effectiveness of this nondiscrimination policy in specific job categories on highway projects?

(d) Are any provisons being made to avoid discrimination in the availability of places of public accommodation authorized by States to operate along the rights-of-way of highways built with 90 percent Federal funds?

(e) What steps have been taken to assure that persons displaced by the Federal highway program will be relocated in decent housing provided on a nondiscriminatory basis?

ACCELERATED PUBLIC WORKS PROGRAM

What measures have been taken or are contemplated to assure that employment opportunities created by the accelerated public works program will be made available without regard to the race, creed, color or national origin of job applicants?

AREA REDEVELOPMENT

(a) What steps have been taken to assure that employment opportunities created by loan programs under the Area Redevelopment Act are available without regard to the race, color, creed or national origin of job applicants? How do you determine whether these job opportunities are made known to all eligible applicants on a nondiscriminatory basis? How many Negroes have secured employment under this program?

(b) Have businesses operated by Negroes utilized the benefits available under the ARA program? Are Negro businesses represented on ARA committees? What efforts have been made to acquaint Negro businessmen with the program?

MAY 1, 1963.

Hon. ROBERT S. MCNAMARA,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: If racial discrimination occurs in those operations or activities of any grant or contract program administered by you, do you consider you lack authority to withhold such Federal funds?

If so, would you explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

With every best wish,

Sincerely,

PHILIP A. HART.

MAY 4, 1963.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: This will supplement my letter to you of May 1.

In recent months, I have had a number of specific questions directed to me concerning the administration of programs by your Department which are covered in the enclosed memorandum. I would appreciate any information you can provide on these points.

With every best wish,

Sincerely,

PHILIP A. HART.

MEMORANDUM OF QUESTIONS ON THE ADMINISTRATION OF PROGRAMS BY THE DEPARTMENT OF DEFENSE, MAY 4, 1963

NATIONAL GUARD

(a) How extensive is racial segregation in National Guard units?

(b) What steps have been taken or are contemplated to eliminate racial segregation where it exists?

RESERVES

(a) How extensive is racial segregation in the Reserves?

(b) What steps have been taken to implement the memorandum of the Deputy Secretary of April 3, 1962, on compliance with Executive Order 9981 in the Army, Navy, Air Force, and Marine Corps Reserves?

(c) What have been the results of this directive?

ROTC

(a) Which educational institutions sponsoring Reserve Officer Training Corps programs refuse to admit Negro students?

(b) What is the Department of Defense policy with respect to the maintenance of ROTC programs at institutions which discriminate?

CIVIL DEFENSE

To what extent is discrimination and segregation prohibited in civil defense training programs, use of facilities and in local civil defense corps units?

ADMINISTRATION OF JUSTICE

What action is being taken to assure equal military justice to all races in, for example, sentencing, adequate defense counsel, and manner and type of discharges?

AVAILABILITY OF FACILITIES

(a) What steps have been taken to implement, and what have been the results of, the memorandum of the Deputy Secretary of June 19, 1961, on availability of facilities to military personnel with respect to the following:

(1) The construction of facilities on base where unsegregated facilities are not available in communities surrounding the base?

(2) Efforts to obtain unsegregated facilities off base through command-community relations committees?

(3) The use of military police to support enforcement of racial segregation?

(4) The provision of legal assistance to members of the Armed Forces involved in the violation of racial segregation laws or customs?

(b) Is the Department considering further steps to secure equal opportunity for all servicemen with respect to off-base housing, education, transportation, police relations?

APRIL 29, 1963.

Hon. W. WILLARD WIRTZ,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: If racial discrimination occurs in those operations and activities of any grant or loan program administered by you, do you consider you lack authority to withhold such Federal funds? If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

In recent months, I have had a number of specific questions directed to me which are covered in an enclosed memorandum. In addition, I would appreciate any information you can provide on those points.

With every best wish,

Sincerely,

PHILIP A. HART.

MEMORANDUM OF QUESTIONS ON THE ADMINISTRATION OF PROGRAMS BY THE DEPARTMENT OF LABOR, APRIL 29, 1963

STATE EMPLOYMENT SERVICE

(a) What reporting and compliance procedures have been established to ascertain the extent to which State employment offices are conforming to the policies of the U.S. Employment Service which prohibit the acceptance and processing of job orders containing discriminatory specifications?

(b) What reviewing and reporting procedures have been established to determine whether Negro and white job applicants are receiving equal service on a nondiscriminatory basis at previously segregated employment service offices?

(c) Where are segregated offices still maintained?

(d) To what extent are applicants limited to particular local offices by geographic districts and neighborhoods and to what extent does this practice operate to limit equal job opportunity?

APPRENTICESHIP PROGRAM

(a) What procedures have been established to measure the impact of the nondiscrimination provision which is now included in registered apprenticeship standards?

(b) Where are Negroes participating in training programs from which they had heretofore been excluded?

(c) Since the adoption of this policy, which State apprenticeship agencies have adopted a corresponding policy statement?

MANPOWER DEVELOPMENT AND TRAINING ACT, AND AREA REDEVELOPMENT ACT

(a) What steps have been taken to assure that all potential trainees are recruited, selected, tested and referred on a nondiscriminatory basis?

(b) Where State Employment Services do not operate on a nondiscriminatory basis, has your Department considered performing these functions directly under MDTA?

APRIL 29, 1963.

Hon. ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: If racial discrimination occurs in those operations and activities of any grant or loan program administered by you, do you consider you lack authority to withhold such Federal funds? If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

In recent months, I have had a number of specific questions directed to me which are covered in an enclosed memorandum. In addition, I would appreciate any information you can provide on these points.

With every best wish.

Sincerely,

PHILIP A. HART.

MEMORANDUM OF QUESTIONS ON THE ADMINISTRATION OF PROGRAMS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, APRIL 29, 1963

GRANTS TO EDUCATIONAL INSTITUTIONS (GRADUATE FELLOWSHIP PROGRAM, NATIONAL DEFENSE EDUCATION ACT, TITLE IV; LANGUAGE AND GUIDANCE TRAINING INSTITUTES, NATIONAL DEFENSE EDUCATION ACT TITLE V–B AND VI–B; VOCATIONAL REHABILITATION, SECTION 4(a)(1); PUBLIC HEALTH SERVICE, NATIONAL INSTITUTES OF HEALTH, ETC.)

(a) What steps are being taken to assure that colleges and universities receiving research grants and contracts, graduate fellowships and training grants accept students without regard to race, color, creed, or national origin for general admission and for the specific aided activity?

(b) Are efforts being made to acquaint predominantly Negro colleges and universities with the availability of these Federal funds? To what extend do these institutions receive funds under these programs?

IMPACTED AREA PROGRAM

What action is contemplated to assure that children of Federal military or civilian personnel who reside off Federal properties will be afforded equal educational opportunity on a desegregated basis under the impacted area school aid program?

LIBRARY SERVICES ACT

In view of the statutory language that libraries receiving Federal funds serve all residents, what steps have been taken to assure that all residents can in fact use the libraries aided by Federal funds for their benefit?

HILL-BURTON HOSPITALS

(a) What administrative procedures have been established to enforce the nondiscrimination provision of the act governing those hospitals not constructed under the "separate-but-equal" provision?

(b) With respect to hospitals constructed under the "separate-but-equal" provision, will successful resolution of the pending litigation result in an administrative determination to assist only those hospitals which give assurances that their services will be available to all persons on a nondiscriminatory basis?

LAND-GRANT COLLEGE

(a) Are provisions being made to eliminate segregation in institutions of higher education which receive Federal assistance under the Morrill Land-Grant College Act?

(b) In view of the Supreme Court's specific rulings that segregation in public higher education is unconstitutional, does the "separate-but-equal" clause of the Morrill Act constitute any impediment to such action?

VOCATIONAL EDUCATION

(a) The Commissioner of Education has said that the regulation requiring a reasonable expectation of employment could not be used as a bar to minority participation in the vocational education program and that the regulation requiring nondiscrimination would be enforced. What procedures does your Department use to verify compliance with this nondiscrimination policy?

(b) Where have vocational education schools been desegregated as a result of this clarification of policy and where are schools still segregated?

HEALTH GRANTS

Are provisions made to assure that grants made by the Public Health Service to State and local facilities are not used to finance or support segregated services?

ASSISTANCE TO INDIVIDUALS

What provisions are made to assure that persons who receive direct benefits, such as welfare assistance, are not denied these benefits by State or local officials because of their race or as a result of attempts to secure constitutional rights such as the right to vote?

EMPLOYMENT

Apart from recent departmental regulations prohibiting discrimination in employment under the merit system, what provisions does your Department make to assure nondiscrimination in employment which results from or is assisted by research, training, or construction grants?

MAY 1, 1963.

Hon. STEWART L. UDALL,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: If racial discrimination occurs in those operations or activities of any grant or contract program administered by you, do you consider you lack authority to withhold such Federal funds?

If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

With every best wish,
Sincerely,

PHILIP A. HART.

MAY 2, 1963.

Hon. J. EDWARD DAY,
Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: In recent months, a number of specific questions have been directed to me with regard to equal employment opportunities within the Post Office Department.

These questions are contained in the enclosed memorandum, and I would appreciate any information you can give me on these points.

With every best wish,
Sincerely,

PHILIP A. HART.

MEMORANDUM OF QUESTIONS ON EQUAL EMPLOYMENT OPPORTUNITIES IN THE POST OFFICE DEPARTMENT, MAY 2, 1963

(1) What measures have been taken or are contemplated to overcome the past practices of discrimination in employment in the Postal Service?

(2) To what extent do seniority considerations in promotions perpetuate the present situation and limit opportunities for Negroes? What steps are possible to overcome this?

(3) What steps are being taken to eliminate the continued segregation in the Postal Inspection Service?

(4) What measures have been taken or are contemplated to assure that equal employment opportunity is afforded by the railroads and airlines who are carriers of the U.S. mail?

MAY 1, 1963.

DR. GLENN T. SEABORG,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR DR. SEABORG: If racial discrimination occurs in those operations or activities of any grant or contract program administered by you, do you consider you lack authority to wtihhold such Federal funds? If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

With every best wish.
Sincerely,

PHILIP A. HART.

MAY 1, 1963.

MR. R. B. TOOTELL,
Governor, Farm Credit Administration,
Washington, D.C.

DEAR MR. TOOTELL: If racial discrimination occurs in those operations and activities of any loan program administered by you, do you consider you lack authority to withhold such Federal funds?

If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

With every best wish.
Sincerely,

PHILIP A. HART.

MAY 1, 1963.

MR. BERNARD L. BOUTIN,
Administrator, General Services Administration, Washington, D.C.

DEAR BERNIE: If racial discrimination occurs in those operations and activities of any contract program administered by you, do you consider you lack authority to withhold such Federal funds?

If so, would you explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

With every best wish.
Sincerely,

PHILIP A. HART.

MAY 1, 1963.

Hon. ROBERT C. WEAVER,
Administrator, Housing and Home Finance Agency, Washington, D.C.

DEAR DR. WEAVER: If racial discrimination occurs in those operations and activities of any grant or loan program administered by you, do you consider you lack authority to withhold such Federal funds? If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need.

In recent months, I have had a number of specific questions directed to me which are covered in an enclosed memorandum. In addition, I would appreciate any information you can provide on these points.

With every best wish.
Sincerely,

PHILIP A. HART.

MEMORANDUM OF QUESTIONS ON THE ADMINISTRATION OF PROGRAMS BY THE HOUSING AND HOME FINANCE AGENCY, MAY 1, 1963

(1) Aside from the complaint procedure, what steps are being taken to review the activities of builders, developers, FHA approved lending institutions, and local housing authorities to assure compliance with the Executive order on equal opportunity in housing?

(2) What specific steps are contemplated or have been taken to inform potential Negro purchasers of the identity and location of housing units subject to the order?

(3) With respect to acquired properties where lists are now available to the public, have reporting procedures been established to determine whether Negroes are availing themselves of the lists?

(4) Can you cite any instances in which Negroes have rented or purchased housing units as a result of the application of the Executive order?

(5) What steps have been taken to implement section 102 of the Executive order? Has any selection been made of appropriate cases for referral to the Department of Justice for purposes of litigation? What programs have been developed to secure voluntary desegregation of housing covered by section 102?

(6) In approving plans, what steps do the Public Housing Administration and the Urban Renewal Administration take to assure that the sites selected and contemplated reuse will promote the purposes of the Executive order?

(7) What steps does the Urban Renewal Administration take to assure that families displaced by urban renewal development will be relocated in decent, safe, and sanitary housing available on a nondiscriminatory basis?

(8) In view of the fact that the Executive order represents a fundamental reversal of policy, have any training or orientation programs been developed to assure that the operating staff at all levels is familiar with the intent of the order and the policy of the agency? What instructions have been given to field personnel to guide them in determining whether builders or developers are in compliance with the terms of the order?

(9) Has any determination been made about whether effective implementation of the Executive order would require broadening its coverage to include the lending practices of federally insured or regulated financial institutions?

(10) What steps have been taken to enforce the policy of nondiscrimination in employment on Public Housing Administration and Community Facilities Administration projects?

MAY 1, 1963.

Mr. JAMES E. WEBB,
Administrator, National Acronautics and Space Administration, Washington, D.C.

DEAR MR. WEBB: If racial discrimination occurs in those operations or activities of any grant or contract program administered by you, do you consider you lack authority to withhold such Federal funds?

If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need?

With every best wish,
Sincerely,

PHILIP A. HART.

MAY 1, 1963.

Mr. ALAN T. WATERMAN,
Director, National Science Foundation, Washington, D.C.

DEAR MR. WATERMAN: If racial discrimination occurs in those operations or activities of any grant program administered by you, do you consider you lack authority to withhold such Federal funds?

If so, would you explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need?

With every best wish,
Sincerely,

PHILIP A. HART.

MAY 1, 1963.

Mr. JOHN E. HORNE,
Administrator, Small Business Administration, Washington, D.C.

DEAR JOHN: If racial discrimination occurs in those operations and activities of any loan program administered by you, do you consider you lack authority to withhold such Federal funds?

If so, would you please identify the program and explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need?

With every best wish,
Sincerely,

PHILIP A. HART.

MAY 1, 1963.

Mr. FRANK E. SMITH,
Director, Tennessee Valley Authority, Knoxville, Tenn.

DEAR MR. SMITH: If racial discrimination occurs in those operations and activities of any grant or contract program administered by you, do you consider you lack authority to withhold such Federal funds?

If so, would you explain the reasons it is thought such authority is not available, together with the nature of the additional authority you would need?

With every best wish,
Sincerely,

PHILIP A. HART.

Mr. HART. Madam President, it is clear that the President and officials of the executive branch have been exploring the scope of their authority in this area. In recent days there have been a number of executive actions.

The President has issued an Executive order extending the authority of the President's Committee on Equal Employment Opportunity to cover employment under Government construction contracts.

The Urban Renewal Administration has issued revised regulations making equal opportunity in housing a central objective of community renewal programs and prohibiting the listing of relocation housing not available to all by local urban renewal agencies.

The President, in his civil rights message to the Congress of June 19, 1963, recognized the desirability of seeking congressional endorsement for actions to assure that all "public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination."

The President went on to conclude that "many statutes providing Federal financial assistance, however, define with such precision both the administrator's role and the conditions upon which specified amounts shall be given to designated recipients that the amount of administrative discretion remaining—which might be used to withhold funds if discrimination were not ended—is at best questionable."

He recommended that Congress enact a "single comprehensive provision making it clear that the Federal Government is not required, under any statute, to furnish any kind of financial assistance—by way of grant, loan, contract, guarantee, insurance or otherwise—to any program or activity in which racial discrimination occurs."

Madam President, I ask unanimous consent that section V of the President's message entitled "Federal Programs" and title VI of S. 1731 be printed at this point in my remarks.

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

V. FEDERAL PROGRAMS

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation. Congress and the Executive have their responsibilities to uphold the Constitution also; and, in the 1960's, the executive branch has sought to fulfill its responsibilities by banning discrimination in federally financed housing, in NDEA and NSF institutes, in federally affected employment, in the Army and Air Force Reserve, in the training of civilian defense workers, and in all federally owned and leased facilities.

Many statutes providing Federal financial assistance, however, define with such precision both the administrator's role and the conditions upon which specified amounts shall be given to designated recipients that the amount of administrative discretion remaining—which might be used to withhold funds if discrimination were not ended—is at best questionable. No administrator has the unlimited authority to invoke the Constitution in opposition to the mandate of the Congress. Nor would it always be helpful to require unconditionally—as is often proposed—the withdrawal of all Federal funds from programs urgently needed by Negroes as well as whites; for this may only penalize those who least deserve it without ending discrimination.

Instead of permitting this issue to become a political device often exploited by those opposed to social or economic progress, it would be better at this time to pass a single comprehensive provision making it clear that the Federal Government is not required, under any statute, to furnish any kind of financial assistance—by way of grant, loan, contract, guaranty, insurance or otherwise—to any program or activity in which racial discrimination occurs. This would not permit the Federal Government to cut off all Federal aid of all kinds as a means of punishing an area for the discrimination occurring therein—but it would clarify the authority of any administrator with respect to Federal funds or financial assistance and discriminatory practices.

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. Notwithstanding any provision to the contrary in any law of the United States providing or authorizing direct or indirect financial assistance for or in connection with any program or activity by way of grant, contract, loan, insurance, guaranty, or otherwise, no such law shall be interpreted as requiring that such financial assistance shall be furnished in circumstances under which individuals participating in or benefiting from the program or activity are discriminated against on the ground of race, color, religion, or national origin or are denied participation or benefits therein on the ground of race, color, religion, or national origin. All contracts made in connection with any such program or activity shall contain such conditions as the President may prescribe for the purpose of assuring that there shall be no discrimination in employment by any contractor or subcontractor on the ground of race, color, religion, or national origin.

Mr. HART. Madam President, in view of the President's request for legislative action, the replies to the letters I directed to the Federal agencies on this question some weeks ago become most significant.

Several of the agencies have now replied to my letter and memorandum. It has apparently been more difficult to answer the basic question posed in the inquiries than to provide detailed reports on the administration of specific programs. The replies show a very substantial awareness of, and willingness to meet, the constitutional responsibility which the executive branch has to assure every American full and equal access to all Federal programs without discrimination.

I should make a few brief comments on the replies received to date.

The Post Office Department states that it has "sufficient authority" under the Constitution or laws of the United States to assure nondiscrimination in all of the Department's programs. The Department does point out, however, that the airlines of the Nation carry mail under statutory mandate, and not under contractual arrangements. For this reason, employment practices of the airlines cannot be reached by the Post Office Department under the provisions of Executive Order 10925.

I ask unanimous consent that the letter signed by Frederick C. Belen, Acting Postmaster General, be printed at this point in my remarks.

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

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., May 8, 1963.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In Postmaster General Day's temporary absence from the city on a business trip, I am taking the liberty of replying to your letter of May 2 regarding equal employment opportunities within the Post Office Department. The information you requested is set forth under the headings provided in the enclosure to your letter.

1. Measures taken or contemplated to overcome past practices of discrimination in the Postal Service:

This Department has enunciated a policy of compliance with the letter and spirit of President John F. Kennedy's Executive Order 10925—Equal Employment Opportunity. It has been made clear that discrimination because of race, color, creed or national origin will not be tolerated in any manner at any level in the Postal Service. This policy has been given effect through the development of a comprehensive, affirmative action program touching every facet of the Department's operations. Examples of specific measures taken:

Executive Order No. 10925 given wide distribution throughout the Postal Service.

A merit promotion policy established and implemented, prohibiting any racial, religious, or other improper discrimination in promotions.

Position of Special Assistant for Employee Relations established and filled, on the Regional Director's immediate staff, in each of the Department's 15 Regional Offices. These officials serve as Deputy Employment Policy Officers, responsible for day-to-day coordination of compliance and affirmative action programs in their regions. Each has a part-time staff of hearing officers-investigators to assist in processing complaints of discrimination.

Top-level Departmental Board of Appeals and Review established and staffed. This three-man board processes and reviews all equal employment opportunity cases prior to final decision by the Employment Policy Officers, and assists in coordination of the Department's affirmative action program.

Special surveys and studies of status of minority group employees.

Special programs to accelerate recruitment and promotion for minority group individuals.

Training in depth for regional officials, postmasters, supervisors, and hearing officers-investigators.

Conferences and consultations with civil rights and intergroup relations organizations and minority group community leaders.

Organization of councils to promote equal employment opportunity.

Equal employment opportunity conferences with employee organizations.

Participation in regional meetings throughout the country sponsored by the President's Committee on Equal Employment Opportunity.

Issuance of "Code of Ethics for Postal Employees," containing the Department's nondiscrimination policy, and its distribution to all employees.

Development and maintenance of a comprehensive affirmative action program by each postmaster at the 313 largest offices, employing 92 percent of all minority group individuals in the postal service. Programs must meet standards established by the Department, receive approval of the region's special assistant for employee relations, and indicate specific tangible targets of achievement.

Segregated (dual) locals of employee organizations have been eliminated, with cooperation of the national employee organizations. Recognition is withheld from any employee organization which discriminates in its terms or conditions of membership because of race, color, creed, or national origin.

Complaints are investigated and adjudicated, and corrective action taken where found warranted.

A large number of appointments and promotions of minority group individuals have been made to key positions in the service, including: Deputy Assistant Postmaster General, Bureau of Transportation, GS–18; postmaster, Los Angeles, PFS–18; personnel director, Chicago Region, PFS–17; assistant postmaster, Washington, PFS–16; appeals officer, Department, GS–15; chief of employment, New York region, PFS–15; chief of schemes and routing, New York region, PFS–15; assistant tour superintendent, Chicago post office, PFS–14; chief, vehicle operations branch, Minneapolis region, PFS–14; Confidential Assistant to the Postmaster General, GS–13; assistant to Board of Appeals and Review, GS–13; mechanical engineer, GS–13; superintendent of employment and compensation, Chicago post office, PFS–13.

2. Seniority considerations in promotions as a limit to opportunities for Negroes:

The principal area in which seniority considerations have tended to limit promotion opportunities for Negroes has been in promotions from a lower supervisory level to a higher supervisory level, the reason being that relatively fewer Negroes were promoted into the supervisory ranks prior to 1961. The Department's merit promotion policy is intended to overcome that handicap insofar as possible. Supplemental measures have been necessary in some cases through the directed promotion of qualified Negroes. Whether in promotions between supervisory levels or in other promotions, if it is found that undue weight has been attributed to seniority and discrimination has resulted, corrective action is directed.

3. Steps to eliminate the reported continued segregation in the Postal Inspection Service:

During the past 2 years eight Negroes have been appointed on the clerical staff of the inspection service (headquarters and field). In addition, a number of Negro investigative aids work with and assist inspectors on depredation cases throughout the country. During the 2-year period the inspection service conducted full field investigations of 19 Negro applicants for the position of postal inspector. One of these met all of the rigid requirements of the position and was appointed postal inspector. Although turnover in the inspection service is relatively small, continuing efforts are underway to further improve employment opportunities for Negroes in that branch of the Department.

4. Equal employment opportunity in mail-carrying railroads and airlines.

Mail is carried by airlines under statutory mandate. They are required to carry mail tendered to them by the Postmaster General. The rates paid to the airlines are prescribed by the Civil Aeronautics Board. The Department has no contract with any of these airlines which would be subject to the provisions of Executive Order 10925. In the absence of a contract the Department appears to have no jurisdiction over the employment policies of the airlines. At least one airline to our knowledge, namely American Airlines, is a participant in the plans for progress program under which they have agreed with the President's Committee on Equal Opportunity to abide by the provisions of the Executive order.

The situation is somewhat the same with respect to the mail-carrying railroads. They carry mail under statutory authority and the rates paid to them are fixed by the Interstate Commerce Commission. In the case of the railroads, however, under authority of law, the Department has entered into a number of contracts with some of them. These contracts contain the nondiscrimination provisions required by the Executive order. In cases where the contract exceeds $50,000 the railroad is required to file extensive compliance reports. Complaints addressed to us against railroads are investigated. In the near future it is expected that a comprehensive compliance review will be conducted to determine whether these railroads with which the Department has contracts are in fact complying with the requirements of the Executive order.

5. Adequacy of existing authority under the Constitution or laws of the United States to assure nondiscrimination in all of the Post Office Department's programs.

Our present view is that sufficient authority does exist.

Sincerely yours,

FREDERICK C. BELEN,
Acting Postmaster General.

Mr. HART. Madam President, the reply received from the Department of Defense reports on the implementation of the directive of the Deputy Secretary of Defense to eliminate discrimination in the Reserves, and the nondiscrimination policies being followed by the Office of Civil Defense.

The Department believes there exists today authority to withhold funds as a result of discrimination in the National Guard and ROTC units, but for reasons of national policy has not exercised that authority.

Also, the Department is now reviewing a study made by the President's Committee on Equal Opportunity in the Armed Forces regarding on- and off-base facilities.

As the Senator from New York has said, this is probably the stickiest problem of all in this area.

It would be my hope, that as Congress develops the record on this question, the Department of Defense will indicate if there is any area or program where there is insufficient authority to withhold funds.

I ask unanimous consent that the letter signed by Norman S. Paul, Assistant Secretary of Defense, be printed at this point in my remarks.

The PRESIDING OFFICER (Mr. METCALF in the chair). Is there objection?

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 26, 1963.

Hon. PHILIP A. HART,
U.S. Senate.

DEAR SENATOR HART: Reference is made to your letters of May 1 and May 4, 1963, to

the Secretary of Defense concerning problems of racial discrimination in operations and activities of the Department of Defense.

The broad question of the Department's authority to withhold Federal funds is closely interwoven with the special policy, administrative and statutory circumstances involved in each particular program in which this question might be raised. For this reason, we are responding to the general question raised in your May 1 memorandum in the responses to the six specific questions listed in your letter of May 4. The responses to these six questions follow in the order and numbering in which they are listed in your letter of May 4:

1. National Guard: The problem of complete integration of the National Guard has been receiving continuing attention within the Department of Defense, and considerable progress has been made toward this goal.

We have reason to believe that it would be legally possible to withhold Federal funds as a means of bringing about integration in State National Guard units, but the Department has sought to make progress through persuasion and consultation with State Governors and Adjutants General rather than through efforts to withhold funds. In addition, integration is being effected when Guard units from any State are ordered into the Federal service by assignment of personnel by the military departments to those units without regard to race. Integration also is being effected by assignment of personnel to Guard units during summer encampments without regard to race.

Advances in the integration of Negroes into formerly all-white units have been made by modification of statutes and practices which precluded integration in several States. The latest such action was the repeal on April 2, 1963, by the North Carolina legislature of a statute limiting the use of Negro troops and compelling segregation in that State. Progress also has been achieved in that all-Negro units have been eliminated throughout the National Guard. The principal problem remaining is with regard to 10 of the Southern States which do not yet have Negroes in their National Guard units. The Department is seeking to have these States voluntarily drop these restrictions, as has the State of Texas recently.

As indicated above, it is within the realm of legal possibility to seek to bring about integration in State National Guard units by withdrawal of funds and Federal equipment. However, the National Guard is comprised primarily of voluntary units and voluntary personnel serving, when in a State status, under the command of State Governors. Action to withhold funds and equipment could result in the rejection of Federal funds or deactivation of units by some States, with a resultant serious deterioration in combat effectiveness. Abount 25 percent of the Army National Guard's strength, including important artillery, tank, armored, infantry, and other combat units, as well as vital reconnaissance, fighter and transport units of the Air Force are located in Southern States. The potential deterioration of these important units is sufficiently serious to cause this Department to feel that at this time it is not in the national interest to risk cutting off Federal support.

2. Reserves: The Deputy Secretary of Defense, on April 3, 1962, expressed his concern that the responsibilities of the Department to assure equality of treatment of all personnel in the Reserves had not been fully met, and directed that specific measures be undertaken to identify and eliminate discriminatory practices or customs. He expressed concern particularly over such matters as the existence of all-Negro units and the possibility that a disproportionate number of Negroes are assigned to pools rather than to drilling units, and directed that specific measures to be undertaken to integrate units as rapidly as is consistent with military effectiveness.

In implementation of the Deputy Secretary of Defense's memorandum, the military departments issued instructions to field commanders emphasizing policies of nondiscrimination in the acceptance or rejection of applicants for the Reserves: Existing assignment procedures were reviewed to determine if new safeguards against discriminatory attitudes or practices were needed; the composition of Reserve units was examined to determine if any all-Negro units existed and that such all-white units as exist are not the result of discriminatory practices; a review was made to assure that a disproportionate number of Negroes are not assigned to active status pools as opposed to drilling units; and quarterly reports of findings and actions taken were submitted by each service to the Assistant Secretary of Defense (Manpower).

As a result of the Deputy Secretary of Defense's memorandum a number of significant actions have been taken:

(1) The interest of the Secretary of Defense and the Secretaries of the military departments in equality of treatment in the Reserve forces, and that of major military commanders has been forcefully emphasized to all commanders and to personnel responsible for enlistment and assignment of reservists.

(2) Such all-Negro units as were found to be in existence, for whatever reason, have been eliminated.

(3) Enlistment and assignment pocedures have been revised where necessary in order to provide fuller assurance of equality of treatment for all personnel. Army Regulation 140–111, issued June 28, 1962, established stringent provisions for assistance to all applicants in locating unit vacancies and provided a right of appeal to the Active Army to any person denied enrollment in a Reserve unit. Changes in the procedures for measurement of the skills and aptitudes of applicants also were made to provide assurance of more objective measurement by Reserve unit commanders of an applicant's potential ability. Air Force Regulation AFR 45–3B issued November 2, 1962, also established specific procedures for processing of appeals of medically and mentally qualified personnel who apply for but are not accepted for assignment to Air Force Reserve units. Provision also was made for positive assistance to applicants in locating Air Force Reserve position vacancies in the area of their residence.

(4) The number of Negro personnel participating in drilling units in the Ready Reserve in Army and Navy between June 30, 1962, and December 31, 1962, was increased, despite a decrease in the total number of personnel assigned to drilling units.

In the Army, despite a decrease of 7,065 in the number of personnel assigned to drilling units the number of Negro personnel assigned to drilling units increased by 1,194 (12.1 percent); the number of Negroes in the active status pool decreased by 1.4 percent. The percentage of Negroes in the Ready Reserve increased from 4.8 percent to 5.2 percent.

In the Navy, despite a sizable overall decrease (9,752) in the number of personnel assigned in a drill pay status, the number of Negroes so assigned increased by 338 (18.9 percent). The number of Negroes in the active status pool decreased by 18.4 percent. The number of Negroes in the Ready Reserve increased from 1.8 percent to 1.9 percent.

Due to the absence of racial information in the Air Force reporting system comparative data on the number of Negro personnel assigned to drilling units between June 30, 1962, and December 31, 1962, are not available. Data as of January 15, 1963, indicate, however, that the percentage which Negro personnel comprise of the active status pool (5.4 percent) is not greatly higher (1 percent) than the percentage they comprise of total Air Force Ready Reserve personnel (4.4 percent) and approximates the proportion of Negroes in the Army active status pool (5.6 percent) as of December 31, 1962.

3. ROTC: The Department of Defense does not have information as to the entrance policies of the nearly 800 colleges, high schools, and preparatory schools which have senior or junior ROTC units, and consequently does not have a basis on which to respond to the question as to which schools do not admit Negroes as a matter of policy.

It would be possible to cancel contracts with schools having ROTC units, with appropriate notice, if it should be determined as a matter of policy that such cancellations are desirable as a means of preventing discrimination.

The feasibility of such a step is now being reviewed. There is a serious question, however, as to whether such a limited and indirect measure, when considered in the context of the total school problem and the overall expenditures of Federal funds for education, would be an effective means of bringing about changes in the admission policies of schools and colleges.

4. Civil defense: The contributions which the Office of Civil Defense makes to the personnel and administrative expenses of State and local civil defense organizations are subject to a mandatory nondiscrimination in employment provision. In the event of violation of this requirement the Office of Civil Defense can withhold funds under section 401(h) of the Federal Civil Defense Act, until the State or political subdivision complies with the requirement.

States, localities, private organizations, and individuals making their premises available as public fallout shelter space are subject to a requirement that all such facilities be available to all members of the general public. Also, regulations governing the establishment of the U.S. Civil Defense Corps (composed of local civil defense organizations) provide that no person shall be considered ineligible for membership in such corps by virtue of race, creed, color, or national origin.

States and localities conduct certain civil defense training programs locally and receive one-half of the cost from the Office of Civil Defense. Also, an adult education program in civil defense conducted by the States is supported by Office of Civil Defense funds administered through the Department of Health, Education and Welfare. The States select the students to attend these local training programs. Though there are at present no specific requirements as to the criteria to be used by the States in the selection of students, beginning with the next contract year a nondiscrimination clause will be incorporated. This will establish a requirement on the States to select students and conduct classes without regard to race, creed, color, or national origin in order to be eligible for receipt of funds.

5. Administration of justice: In order to assure that there is no discrimination in the administration of military justice, a review was made in December 1961 under the guidance of the General Counsel of the Department of Defense, of allegations of racial prejudice recorded during the past year. A spot check also was made of recent courts-martial cases to determine if there was evidence of racial discrimination in these cases. No evidence of such discrimination was found and there is every reason to believe that the cases selected for spot check accurately represent general practice.

With regard to provision of qualified defense counsel, in general courts-martial cases military counsel who are members of the bar of the Federal court or of the highest court of a State of the United States and who

have been certified as competent by the Judge Advocate General of their military department must be provided. Similarly, at the appellate review level, legally qualified counsel are required whether the appeal be from a general or a special court-martial.

With regard to discharges, records of servicemen under consideration for separation are adjudged on the basis of merit without regard to race or color. In review of discharges any assertion by an applicant of racial discrimination in support of his request for a change or modification of the type of discharge received is carefully examined in light of all the facts and an impartial determination made.

6. Availability of facilities: The implementation of the policies established in the Deputy Secretary of Defense memorandum of June 19, 1961 with regard to facilities on and off base, use of military police and the provision of legal assistance has been a responsibility of local commanders, which they are required to discharge within the limits of available funds and within the framework of their continuing relationships with local community organizations and facilities. Overall data on the actions taken by the many base commanders throughout the Military Establishment are not available. However, a thorough study has been made by the President's Committee on Equal Employment Opportunity to determine the effectiveness with which this memorandum and the other equal opportunity policies of the Armed Forces are being implemented, and to determine what additional measures may be needed to improve equality of opportunity for members of the Armed Forces. The availability of facilities for members of the Armed Forces and their dependents in the civilian community, particularly with respect to housing, education, transportation, recreational facilities, and community activities was one of the major areas included in the committee's study. The committee has just rendered its report and has made recommendations on the whole range of problems related to equality of treatment and opportunity for persons in the Armed Forces. The recommendations of the committee are now being reviewed and a report will be made to the President within 30 days on such additional steps as may be required by the Department of Defense to secure equal opportunity for all servicemen.

Meanwhile, with regard to housing, the Secretary of Defense has instructed the Secretaries of the military departments, in a memorandum dated March 8, 1963, to include the following clause in all leases for family housing executed on behalf of the United States under the authority of section 515, Public Law 84–161:

"It is understood and agreed that the Government will assign the desired premises to military personnel in accordance with Executive Order No. 11063, dated November 20, 1962, which provides that housing and related facilities shall be available without discrimination among tenants because of race, color, creed, or national origin."

In addition, the Secretary required in his March 8 memorandum that all listings of available private housing maintained at military base housing offices shall include only those units which are available without regard to race, color, creed, or national origin. This memorandum applies to the listing of private housing off-base; all housing and other facilities on military installations, of course, have been fully integrated for many years.

Thank you for the opportunity to comment upon the important questions raised in your two letters. If further information is needed, I shall be glad to furnish it.

Sincerely yours,

NORMAN S. PAUL.

Mr. HART. Mr. President, the Department of Commerce indicates that under the President's new Executive order extending the authority of the Committee on Equal Employment Opportunity to construction contracts, they have sufficient authority to withhold funds from the Federal highway program and from commercial and industrial projects financed by the Area Redevelopment Administration. It is interesting to note that the Department feels that title VI of S. 1731 would enable them to require agreements for nondiscrimination in employment by those occupying facilities constructed with ARA financial assistance.

I ask unanimous consent that the letter signed by Lawrence Jones, Acting General Counsel of the Department of Commerce, be printed at this point in my remarks.

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

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., June 27, 1963.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: This is in further reply to your letter of May 1 requesting answers to a number of questions concerning nondiscrimination in projects carried on under programs of this Department.

There are attached replies to your questions prepared by the Bureau of Public Roads and Area Redevelopment Administration, the agencies to whose programs these questions relate.

You have asked whether we believe we have sufficient authority to condition grants of Federal funds on assurances of nondiscrimination. As the attachments demonstrate, our authority is sufficient insofar as many aspects of the highway and ARA programs are concerned. However, enactment of titles II ("Injunctive Relief Against Discrimination in Public Accommodations") and VI ("Nondiscrimination in Federally Assisted Programs") of the bill submitted by the President on June 19 and the extension of jurisdiction of the Committee on Equal Employment Opportunity, provided in Executive Order No. 11114, together would take care of the matters outlined in your questions 1d and 3a.

Sincerely yours.

LAWRENCE JONES,
Acting General Counsel.

INFORMATION SUBMITTED BY BUREAU OF PUBLIC ROADS IN ANSWER TO SENATOR HART'S LETTER OF MAY 1, 1963

Questions 1 and 2 of Senator HART'S letter relate to programs administered by the Bureau of Public Roads. The questions and answers are as follows:

1. FEDERAL HIGHWAY PROGRAM

(a) "What steps are being taken to enforce the employment nondiscrimination clause in contracts with States under the Federal highway program?"

While there are no specific enforcement instructions with respect to the nondiscrimination clause in Federal-aid highway contracts let by the States, a breach of this clause, as well as various other required contract provisions, may be grounds for termination of the contract.

(b) "How do you determine the extent to which employment discrimination has been eliminated and the extent to which Negroes have been employed on these projects?"

The Bureau of Public Roads makes periodic inspections to insure compliance with all provisions of Federal-aid highway construction contracts let by the States, and takes appropriate action in instances of noncompliance. Because a comprehensive reporting requirement had not been established very few administrative or compliance problems have been encountered.

(c) "What has been the effectiveness of this nondiscrimination policy in specific job categories on highway projects?"

As indicated in the answer to question 2, a survey concerning nondiscrimination is currently being made with respect to certain highway projects under the accelerated public works program. This survey, and reports required under Executive Order 11114, together will give a better picture of the operation of the nondiscrimination clause.

(d) "Are any provisions being made to avoid discrimination in the availability of places of public accommodation authorized by States to operate along the rights-of-way of highways built with 90 percent Federal funds?"

Commercial facilities providing public accommodations, such as restaurants and motels, are not permitted to be located within the public right-of-way of any interstate projects financed in part with 90 percent Federal-aid highway funds. The Federal-aid highway legislation contains no provision relating to nondiscrimination in the use of privately owned facilities as may provide for public accommodations along, but outside of such highway rights-of-way. Legislation would be necessary before any action could be taken by us.

(e) "What steps have been taken to assure that persons displaced by the Federal highway program will be relocated in decent housing provided on a nondiscriminatory basis?"

Our authority with respect to relocation is limited to section 133 of title 23, United States Code. This provides only that the States give assurance relocation advisory assistance shall be provided for families displaced by Federal-aid highway projects, and that certain moving expenses authorized under State law may be reimbursed. However, attention is invited to Executive Order 11063 relating to equal opportunity in housing which provides that federally financed housing, or housing financed on the credit of the Federal Government must be sold, leased, or rented without regard to race, color, creed or national origin.

2. ACCELERATED PUBLIC WORKS PROGRAM

"What measures have been taken or are contemplated to assure that employment opportunities created by the accelerated public works program will be made available without regard to the race, creed, color, or national origin of job applicants?"

A nondiscrimination survey is currently being made by the Bureau of Public Roads, at the request of the U.S. Commission on Civil Rights, of selected highway projects being constructed under the accelerated public works program. The results of this survey will be reported on a form furnished by that Commission.

INFORMATION SUBMITTED BY AREA REDEVELOPMENT ADMINISTRATION IN CONNECTION WITH SENATOR HART'S LETTER OF MAY 1, 1963

Questions 2 and 3 of Senator HART'S letter relate to the programs administered by the Area Redevelopment Administration. The questions and our answers are as follows:

2. ACCELERATED PUBLIC WORKS PROGRAM

"What measures have been taken or are contemplated to assure that employment opportunities created by the accelerated public works program will be made available without regard to the race, creed, color, or national origin of job applicants?"

The Public Works Acceleration Act did not create any new, substantive Federal grant-in-aid program. It merely authorizes additional appropriations for existing programs. Section 3(c) of the act requires

that all grants-in-aid made from accelerated public works allocations "be made in accordance with all of the provisions of such law." Accordingly, we must leave this matter to each of the delegate agencies under the accelerated public works program. For example, the Community Facilities Administration utilizes the following clause in loan and/or grant agreements providing for the financing and construction of public works or facilities under the Accelerated Public Works Act:

"SEC. 25. Nondiscrimination: The borrower shall require that there shall be no discrimination against any employee who is employed in carrying out the project, or against any applicant for such employment because of race, religion, color, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The borrower shall insert the foregoing provision of this section in all its contracts for project work and will require all of its contractors for such work to insert a similar provision in all subcontracts for project work: *Provided*, That the foregoing provision of this section shall not apply to contracts or subcontracts for standard commercial supplies or raw materials. The borrower shall post at the project, in conspicuous places available for employees and applicants for employment, notices to be provided by the Government setting forth the provisions of this nondiscrimination clause."

We have provided a separate answer below to each individual question within questions 3a and 3b.

(a)1. "What steps have been taken to assure that employment opportunities created by loan programs under the Area Redevelopment Act are available without regard to the race, color, creed or national origin of job applicants?"

In answering this question a distinction must be made between employment practices of construction contractors and employment practices of those occupying facilities constructed.

With respect to construction contractors on projects financed by public facilities loans and grants made under sections 7 and 8 of the Area Redevelopment Act, the Community Facilities Administration, acting as agent for ARA, includes a clause in its agreement with our borrower identical to that shown in our answer to question 2 above.

With respect to construction of commercial and industrial facilities financed by ARA under section 6 we have not included such clauses. Under Executive Order 11114 of June 22, however, such clauses will hereafter be required. Moreover, the reporting requirements of that order will facilitate enforcement of the nondiscrimination clauses now required on projects under sections 7 and 8.

With respect to employment practices of occupants of ARA-financed commercial and industrial facilities, we have not required as a condition for a commercial or industrial loan under section 6 of the Area Redevelopment Act that a borrower execute covenants with respect to its employment practices. The Congress, in authorizing our loan program for commercial and industrial projects, did not indicate its intent with regard to employment practices of private borrowers.

Enactment of title VI of the President's bill would, of course, resolve this question.

(a)2. "How do you determine whether these job opportunities are made known to all eligible applicants on a nondiscriminatory basis?

Your attention is invited to that portion of the above-cited nondiscrimination clause used by the Community Facilities Administration for public facility loans which reads: "The borrower shall post at the project, in conspicuous places available for employees and applicants for employment, notices to be provided by the Government setting forth the provisions of this nondiscrimination clause."

(a)3. "How many Negroes have secured employment under this program?"

We do not have any information at this time as to the number of Negroes who have secured employment under our program. However, ARA, in cooperation with the U.S. Civil Rights Commission, is currently in the process of making a sampling survey which should provide this information in the near future.

(b)1. "Have businesses operated by Negroes utilized the benefits available under the ARA program?"

A few businesses operated by Negroes have utilized the benefits available under the ARA program. For example, ARA has received several formal proposals in its Washington, D.C., offices from Negro businessmen for assistance under section 6 of the Area Redevelopment Act. These proposals are undergoing normal processing. In addition, our field representatives report that Negro businessmen are gradually submitting projects for ARA assistance to our field coordinators. These will be forwarded for further processing at our Washington, D.C., office. However, Negroes have been slow to respond to the benefits available under the ARA program because of their lack of knowledge of the program. In this connection, ARA has been and is attempting to educate Negro businessmen with respect to our program. (Also see answer to question (b)3 below.)

(b)2. "Are Negro businesses represented on ARA committees?"

There are presently some Negroes on local area committees organized for the purpose of preparing overall economic development programs (OEDP's) for their respective areas. Also, in addition to being members of local development organizations, Negroes in some areas have taken the leadership in forming organizations to provide the 10-percent contribution to the aggregate cost of ARA projects as required under section 6(b)(9)(B) of the Area Redevelopment Act. Constant efforts are being made by ARA field personnel to encourage expansion of minority group participation in local planning organizations.

(b)3. "What efforts have been made to acquaint Negro businessmen with the program?"

A personal and special appeal has been and is being made throughout the Nation to all types of community and State organizations (for example, business associations, colleges and universities, and urban leagues) for the purpose of enlisting their support and cooperation in developing greater participation on the part of Negroes in the ARA program. These groups are asked to encourage participation of Negroes not only as workers in ARA projects, but also as applicants for section 6 loans under the Area Redevelopment Act and as participants in local development groups.

Mr. HART. Mr. President, the Housing and Home Finance Agency has forwarded a very comprehensive report on the implementation of the President's Executive Order on Equal Opportunity in Housing. A subsequent letter, not yet received, will be addressed to the basic question on the authority to withhold funds. There is a statement by HHFA that the present Executive order on housing would be much more effective if it were extended to cover conventional loans made by federally insured or regulated institutions.

I ask unanimous consent that the letter from Dr. Robert C. Weaver, Administrator of the Housing and Home Finance Agency, be printed at this point in my remarks.

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

HOUSING AND HOME FINANCE AGENCY,
Washington, D.C., June 26, 1963.

Hon. PHILIP A. HART,
U.S. Senate, Washington, D.C.

DEAR SENATOR HART: This is in further reply to your letter of May 1 in which you inquire as to the Agency's authority to withhold funds in its various grant or loan programs if there is evidence of racial discrimination and in which you ask a series of questions with reference to the Agency's implementation of the Executive order on equal opportunity in housing and Agency enforcement procedures with reference to nondiscrimination in employment on public housing administration and community facilities administration projects.

This letter is in response to your series of questions. I shall write you further within a few days concerning the Agency's authority to withhold Federal funds.

The basic programs administered by this Agency which are subject to the Executive order on equal opportunity in housing are the following:

1. Home mortgage insurance programs—administered by the Federal Housing Administration.

2. Low-rent public housing program—administered by the Public Housing Administration.

3. Urban renewal program—administered by the Urban Renewal Administration.

4. Senior citizens housing and college housing loan programs—administered by the Community Facilities Administration.

5. Sale of reacquired housing—Federal Housing Administration.

6. Sale of housing owned by Atomic Energy Commission in Los Alamos—to be administered in the community disposition program in the Office of the Administrator pursuant to a recent Executive order.

Preliminary to answering your specific inquiries, I would like to make some general observations about the application and implementation of the Executive order. As you know, the Executive order which was issued on November 20, 1962, became effective immediately. Within a few weeks this Agency issued detailed rules, regulations and instructions to implement section 101 of the order to assure that housing and related facilities to be built in the future pursuant to Federal aid agreements executed after the effective date of the order would be available on a nondiscriminatory basis. Shortly after the order was issued we prepared a question and answer pamphlet and had substantial quantities of this pamphlet and the Executive order printed for distribution to interested groups and individuals.

Section 101 of the Executive order directs the various Federal departments and agencies to take all necessary and appropriate action to prevent discrimination in housing and related facilities which are to be provided in the future with Federal aid. Since the order has been in effect only a little more than 6 months, the amount of housing and related facilities constructed pursuant to post-Executive order Federal aid agreements has thus far been very small. We can expect, however, that this volume will increase substantially within the next few months, particularly with reference to FHA-aided housing and we are confident that the measures adopted by this Agency to assure nondiscriminatory access to such housing and related facilities are adequate to achieve the objectives of the Executive order.

Section 102 of the Executive order directs the various departments and agencies to use their good offices and to take other ap-

propriate action permitted by law, including the institution of appropriate litigation, if required, to promote the abandonment of discriminatory practices in existing housing heretofore provided with Federal financial assistance. As you know, Federal aid agreements executed prior to the issuance of the Executive order generally do not contain a provision requiring nondiscrimination. However, pursuant to the mandate of the Executive order this Agency has been using its good offices throughout its programs to eliminate discrimination. We are continually studying also the question as to what other appropriate action can be taken, including litigation, with reference to existing commitments. I am sure you can appreciate that such action requires careful consideration of the legal rights which were vested prior to the issuance of the Executive order and should not be taken precipitously. Therefore, we have sought the advice and assistance of the President's Committee on Equal Opportunity in Housing. Discussions in this matter are now in progress.

I will now take up your questions in the order in which they were posed:

1. "Aside from the complaint procedure, what steps are being taken to review the activities of builders, developers, FHA approved lending institutions, and local housing authorities to assure compliance with the Executive order on equal opportunity in housing?"

Each of the constituents of the Housing and Home Finance Agency requires as a condition to the granting of aid (in the form of loans, grants, contributions, or mortgage insurance) that the housing and related facilities provided with such Federal aid will be available on a nondiscriminatory basis. A violation of such requirements may result in the imposition of sanctions. In view of the fact that there has been very little construction completed pursuant to Federal aid agreements containing these requirements, as heretofore stated, there has been little compliance activity up to the present time. However, we have made considerable progress in developing our compliance program. We have issued detailed complaint procedures which provide for the filing and processing of complaints at the local level with a right of appeal to the central offices. In our compliance procedures we will not rely only on complaints from individuals who allege that they have been discriminated against in their attempts to rent or purchase housing, but we will entertain complaints from organizations who are interested in protecting the rights of minorities. In addition, we will continue to receive information concerning the practices of builders, lending institutions, and local housing authorities throughout the country, from many interested groups and individuals. Each allegation of discrimination, whether in the form of a complaint or otherwise, is followed up by investigation and such action as is deemed appropriate under the circumstances. I wish to stress, however, that the above constitutes our existing procedures. We are continually studying additional measures to obtain compliance as we gain further experience under the Executive order.

In the urban renewal program before any Federal aid contract is entered into between HHFA and a local public agency (LPA) planning or undertaking an urban renewal project, the LPA must furnish appropriate written assurances that it, and other public bodies involved, recognize their obligations concerning the requirements of the Executive order and related policies of the Urban Renewal Administration. These assurances are a matter of public record and are embodied in resolutions by the LPA or the governing body of the locality. Consequently, no contract is entered into unless the relevant public bodies put their good faith assurances in the record. The Federal loan or grant contract provides that affirmative nondiscrimination covenants running with the land be inserted in deeds given by the LPA to redevelopers of urban renewal land which may be used for housing or facilities related to housing and the LPA is further obliged to enforce that covenant. Within this framework it is believed that adequate distribution of promotional and informational materials, quarterly reporting on racial occupancy in dwellings constructed on urban renewal land, and staff training will adequately complement the established complaint procedure to assure compliance with Executive order requirements.

In the low-rent public housing program administered by the Public Housing Administration (PHA) section 101 of the Executive order was implemented by including a nondiscrimination clause in the annual contributions contracts entered into between PHA and the local authorities. PHA in its manuals and instructional material to the local authorities, spells out the obligations of these authorities under the contract clause and suggests methods of fulfilling these obligations. In this material the local authorities are also advised that publicity concerning occupancy opportunities shall include the information that the projects will be or are being operated under a policy of equal opportunity without regard to race, color, creed, or national origin. In the PHA's regularly scheduled audits and reviews of local authority activities, particularly the occupancy audits and management reviews, local authorities will be audited for compliance with these obligations.

The Federal National Mortgage Association (FNMA) which, as you know, is engaged in secondary market operations for home mortgages provides in its "Sellers' Guide" that mortgage sellers are required to comply with the provisions of the Executive order in accordance with applicable FHA and VA rules and regulations and that failure to comply will be considered as a basis for termination of the selling agreement. A parallel, substantially identical, provision is contained in FNMA's "Servicers' Guide" applicable to institutions servicing mortgages for FNMA. The activities of FNMA's mortgage sellers and mortgage servicers, including activities in relation to the Executive order, are subject to examination by FNMA management and audit personnel visiting the institutions involved. These visits are made on a routine basis.

2. "What specific steps are contemplated or have been taken to inform potential Negro purchasers of the identity and location of housing units subject to the order?"

FHA has instituted a procedure whereby it initiates and maintains for each subdivision a record of applications received in groups of five or more for all proposed construction. The record is captioned "Proposed Construction Applications Received for Five or More Properties in Subdivisions." It is a cumulative record, posted daily on a bulletin board in the lobby of each office so that the information is available to the general public. The list contains: (a) Receipt date of applications, (b) number of applications received, (c) the name and location of the subdivision.

It should be noted that developers of private housing who secure FHA commitments customarily advertise this fact widely as it affects both the price and the down payment required for a purchase and therefore make the developments more attractive competitively. It is expected that members of minority groups who are actively interested in purchasing homes will seek out these ads in the knowledge that FHA-aided new construction must be sold on a nondiscriminatory basis.

As far as acquired properties are concerned, FHA has an open listings policy which makes it possible for any real estate broker to sell properties. The Commissioner, the members of his staff, field office directors and zone intergroup relations advisers, through the media of speeches, public pronouncements, letters to trade groups, civil rights organizations and community groups, have urged Negroes and other minorities to avail themselves of opportunities to utilize FHA-acquired properties as a source of securing housing.

With further reference to FHA-acquired properties, you will be interested to know that prior to the issuance of the Executive order, URA and FHA arranged that the availability of such properties would be made known to all families to be displaced by urban renewal activities. An up-to-date listing of all these properties is required to be posted in all local public agency relocation offices. Referrals are made to any family interested in buying or renting such properties.

3. "With respect to acquired properties where lists are now available to the public have reporting procedures been established to determine whether Negroes are availing themselves of the lists?"

FHA does not maintain any records in the insuring office on the basis of race; consequently, it has no regular reporting procedure to determine whether its acquired properties are purchased by whites or nonwhites. They do, however, make inquiries from time to time, through the intergroup relations service, in an effort to ascertain to what extent Negroes are purchasing or renting FHA-acquired properties.

4. "Can you cite any instances in which Negroes have rented or purchased housing units as a result of the application of the Executive order?"

Generally in the housing industry rental units on which financing was secured after November 20 would not be on the market at this time but should be coming on the market very shortly. This is also true of sales units although there are undoubtedly some on the market at the present time. Under the circumstances, it is too early to expect any significant reports of new housing units rented or sold to Negroes. In the low-rent public housing program, housing being built subject to section 101 of the Executive order has not yet reached the occupancy stage. This is true also of other programs administered by this Agency.

On November 21, 1962, the Peoria Housing Authority (Illinois) unanimously adopted a policy of open occupancy for its three existing projects. The open occupancy policy had previously been made applicable to two of the projects and the result of the resolution was to extend this policy to the third project, previously all white. The resolution makes reference, inter alia, to the Executive order and states "that, in strict compliance with the President's Executive order, issued effective today, the Peoria Housing Authority hereby complies fully and immediately with the intent of said Executive order."

On December 4, 1962, the Decatur Housing Authority (Illinois) announced at an open meeting the agreement of its commissioners to revoke their unwritten policy of racial segregation. Negro tenants had previously been confined to 54 of the projects' 434 units, separated from the white section by railroad tracks. The March 1963 occupancy report shows 68 Negro families in occupancy, indicating that a number of Negro families have rented housing units in the formerly all-white section as a result of this change of policy. Although the local authority adopted no formal resolution, we believe that the issuance of the Executive order influenced the change of policy.

5. "What steps have been taken to implement section 102 of the Executive order? Has any selection been made of appropriate cases for referral to the Department of Justice

for purposes of litigation? What programs have been developed to secure voluntary desegregation of housing covered by section 102?"

This Agency has taken many steps under section 102 of the order to use its good offices to eliminate discrimination with respect to housing and related facilities constructed wth pre-Executive order Federal aid.

Intergroup relations officers in the PHA's central and regional offices have been engaged, even prior to the Executive order, in programs to secure voluntary open occupancy policies by local authorities. These efforts have been intensified and are now an operational responsibility of all members of the PHA staff. They include such activity as advice and assistance on occupancy planning, dissemination of information among local authorities concerning successful open occupancy programs in other communities, suggestions concerning specific programs of public information and civic group orientation, and assistance in arranging training programs for local authority staff and others (such as the series of forums sponsored by the Institute for Human Relations of Jersey City State College).

The PHA has used its good offices in cases brought to its attention of alleged discrimination in housing projects not covered by the contract clause for equal opportunity in housing. In such cases, we have requested the appropriate PHA regional director to communicate with the local authority and the complainant and use his good offices in an effort to eliminate any discriminatory practices.

Another policy adopted by PHA to implement section 102 of the Executive order is to urge local authorities to apply section 101 of the Executive order to projects not covered by section 101. This policy is expressly stated in the manual. PHA has sent to its regional offices instructions for complying with requests of local authorities to extend the provisions of section 101 of the Executive order to such projects, including an appropriate contract clause to accomplish this.

PHA also has a policy of cooperation with State and local officials in jurisdictions having nondiscrimination laws, including a policy of entering into written memorandums of cooperation with State officials.

As a means of implementing section 102, URA has instituted a program of urging all local public agencies to agree to amend contracts for loan and grant entered into on or prior to November 20, 1962, to include the policies and requirements of the Executive order. Moreover, redevelopers are being asked to amend their existing disposition contracts for title I land to include the provisions of the Executive order and to place the nondiscrimination covenant in all deeds to project land.

A quarterly reporting system in the urban renewal program has been established to report racial occupancy in housing constructed in urban renewal project areas. On the basis of latest tabulated reports, action has been taken to ascertain reasons for the absence of nonwhite occupancy in seven project areas. Reports have been received on five of these. They reveal that one now has nonwhites in occupancy and four others have open occupancy policies but, as yet, have had no nonwhite applicants. In two instances local NAACP branches have been active in helping redevelopers to attract nonwhite purchasers.

FHA has established procedures in which it is made manifest to the field offices that it expects them to carry out FHA's responsibilities under the Executive order expeditiously and adequately. FHA promptly issued its regulations implementing the Executive order. (Commissioner letter No. 7, issued Nov. 28, 1962.) On December 10, 1962, a letter was sent to all qualified title I lending institutions advising them of FHA's amended regulations and outlining the basic Federal policy created by the Executive order. By letters to the field offices FHA has effectively denied all FHA services to builders and developers who refuse to agree to abide by the nondiscrimination policies established by FHA.

No cases have as yet been referred to the Department of Justice.

6. and 7. "In approving plans, what steps do the Public Housing Administration and the Urban Renewal Administration take to assure that the sites selected and contemplated reuse will promote the purposes of the Executive order? What steps does the Urban Renewal Administration take to assure that families displaced by urban renewal development will be relocated in decent, safe and sanitary housing available on a nondiscriminatory basis?"

PHA policies require as one of the criteria for site selection suitability of the site from the standpoint of facilitating full compliance with the equal opportunity requirement of the Executive order. Its policy is to promote this objective at the earliest stages of project planning and site consideration.

The selection of the boundaries of an urban renewal area is a matter for local determiantion, provided the area is eligible for urban renewal treatment under State law and Federal law and regulations. Agency regulations provide, however, that the boundaries of the area must be determined without consideration of the race, religion, color, or national origin of the residents. Each LPA must assure, further, that the project will not result in a reduction of the supply of dwellings available in the community to racial minority families. A project which will result in a substantial net reduction in the supply of housing in the project area available to racial minority families may be undertaken only if standard housing replacing the loss is provided elsewhere in a community in new or existing dwelling units not previously available to the minority group.

In addition, URA regulations are being revised with respect to the community renewal program, which is a citywide action plan for renewal and related activities. URA regulations in this regard are being revised with respect to grants for community renewal programs to make equal opportunity in housing an essential factor in the development of communities engaged in such programs. Furthermore, URA is asking cities which have CRP's underway to include this basic objective in their existing programs. Specifically, URA is requiring that CRP's include: (1) An analysis of the existing pattern of housing occupied by Negroes and other minorities and the extent to which this pattern is a result of discrimination; (2) projection of the housing needs of Negro and other minority families displaced by urban renewal and other public action, or newly moving into the community; (3) development of an affirmative program to increase the quantity, improve the quality, and eliminate barriers to housing for Negro and other minority families.

It is of prime concern of HHFA that all site occupants relocated from urban renewal projects be afforded the opportunity of moving to housing that is decent, safe and sanitary, and within their financial means. Before Federal financial assistance for undertaking a project is extended, the LPA must submit to URA information with respect to the number of site occupants and the supply of such housing suitably located in the locality, indicating white and nonwhite availability. If a problem in rehousing minority groups exists, the proposed solution must be detailed. Proposals describing the manner in which relocation housing is to be obtained for all displacees must also be submitted. These include, but are not limited to, the publicizing of vacancies, interviews with site occupants to determine their needs, referrals to cooperating private real estate firms and landlords and inspections of relocation housing. Such information is carefully reviewed, and the execution of a project is not approved unless these proposals are feasible. During project execution, quarterly reports and periodic inspections check on performance. As a further step in meeting its responsibility regarding the relocation of families displaced by urban renewal, URA is revising its relocation regulations to prohibit the listing of housing accommodations that are not available to all families regardless of race, color, creed or national origin. Thus the local renewal agency in listing housing available to families being displaced because of urban renewal will be precluded from including units that are denied to minority families.

8. "In view of the fact that the Executive order represents a fundamental reversal of policy, have any training or orientation programs been developed to assure that the operating staff at all levels is familiar with the intent of the order and the policy of the Agency? What instructions have been given to field personnel to guide them in determining whether builders or developers are in compliance with the terms of the order?"

Since the Executive order was issued it has been the policy of this Agency to make its implementation a line responsibility. I have repeatedly stated in top staff conferences that every one in the Agency has a responsibility for carrying out the letter, spirit and intent of the order. Each of the constituent agencies is responsible for training its own staff and for implementation of the order within its regular operating functions. Implementation of the order is discussed at the regular meetings that I have with the heads of the constituent agencies and units and the general counsel of HHFA. At the present time the Commissioners of the constituent agencies and units, the general counsel and I are engaged in a series of regional meetings with field officials with reference to Agency policies and procedures under the Executive order.

The seven regional offices of HHFA have jurisdiction over the various programs administered by the Urban Renewal Administration and the Community Facilities Administration. Special orientation meetings have been held in Washington with the regional administrators and the regional counsels. Furthermore, a Washington conference of regional intergroup relations officers is scheduled for July at which time additional instructions will be provided so that they may carry out their specific responsibilities under the order. We are in the process of staffing each regional administrator with an intergroup relations specialist.

In FHA the operating staff has been constantly reminded that it is FHA's policy to carry out all of its responsibilities and functions without regard to the race, creed, color or national origin of the applicants or users of its services. Through the media of personal discussions with field office personnel by members of the central office staff and members of the intergroup relations service, the field office personnel in FHA has been repeatedly reminded of its determination to effectively carry out the letter and spirit of the Executive order to promote an open market in housing. Commissioner Brownstein's speech on the Executive order before the American Marketing Association in Chicago on March 25, 1963, which demonstrated the firmness of FHA's policy on nondiscrimination was disseminated throughout the Agency.

In the Public Housing Administration all manual and instructional material relating to the Executive order which has been transmitted to local authorities, was also distributed to central office and regional office staff. Basic legal and other memorandums

and correspondence pertinent to the Executive order were distributed among all key personnel and staff members having responsibilities pertinent to the order, including regional office staffs.

Staff meetings have been held in the central office, including meetings with regional directors and regional section heads in order that they in turn may train and orient their respective staffs. Training and orientation sessions have also been held in the regional offices and in some regions, training conferences were held with local authorities.

PHA will revise its audit and review procedures and will instruct its auditors on reviewing local authority operations to determine compliance with the Executive order.

The urban renewal Commissioner has met with top staff in Washington and in all field offices in training sessions.

FNMA's personnel have been instructed as to its policies under the Executive order, with particular emphasis on the provisions of FNMA's sellers and servicers guides and the requirement that the mortgage institutions with which FNMA is concerned comply with FHA and VA rules and regulations under the order.

The Agency has prepared a number of informational documents and studies for the benefit of its own employees, as well as the general public.

A study of "Potential Housing Demands of Nonwhite Population in Selected Metropolitan Areas," which has received wide distribution both inside and outside the Agency is an example of the types of material being developed. This was distributed to all FHA field offices. The significance of the report was its disclosure for the first time of the tremendous potential of unmet housing demand in the Negro middle class.

A study is underway of the human relations and economic aspects of private FHA-aided housing developments which were involuntarily opened to Negroes as the result of action by a State agency under a law against discrimination.

It is expected that these case studies, which will be completed in the summer, will yield certain general principles of value to builders and to our agencies in successfully implementing the objectives of the order.

An information bulletin for internal distribution is in preparation. This will go regularly to field staff apprising them of significant developments both inside and outside of the Agency, which affect their activities in connection with implementing the order.

Some weeks ago a committee was established in HHFA composed of officials of the Office of the Administrator, FHA, PHA, URA, and CFA to develop broad plans for further training of Agency personnel with reference to the implementation of the Executive order and to develop educational programs and informational material for local government groups, civic organizations, civil rights groups, industry groups, labor organizations and others interested in fair housing.

9. "Has any determination been made about whether effective implementation of the Executive order would require broadening its coverage to include the lending practices of federally insured or regulated financial institutions?"

The effectiveness of the order would undoubtedly be increased by broadening its coverage to include conventional loans made by institutions whose deposits are federally insured or by institutions regulated by the Federal Government.

10. "What steps have been taken to enforce the policy of nondiscrimination in employment on Public Housing Administration and Community Facilities Administration projects?"

Executive Order No. 10925 which established the President's Committee on Equal Employment Opportunity was issued in March 1961. When issued it applied to direct Federal contracting but not to federally aided contracts. Shortly after this order was issued, I directed the heads of all of the constituent agencies and units to continue their policies of nondiscrimination in employment pursuant to provisions in the various Federal aid contracts administered by this Agency.

PHA's annual contributions contracts contain a clause prohibiting local authorities from discriminating against any employee or applicant for employment because of race, religion, color, or national origin; requiring local authorities to insert a similar provision in all contracts in connection with the development or operation of projects and to require contractors to insert a similar provision in all subcontracts (except contracts and subcontracts for standard commercial supplies or raw materials); and requiring the posting at the projects, in conspicuous places available for employees and applicants for employment, of notices to be provided by the PHA setting forth the provisions of the clause. Annual contributions contracts also contain provisions for proof of compliance by construction and equipment contractors. PHA regulations and procedures provide for certain reporting and certifications to be made by the contractor and by the local authority contracting officer, which are available for inspection by PHA representatives. The PHA construction representative's report form includes a report on whether the local authority is enforcing nondiscrimination provisions. This report is turned over to regional intergroup relations officers and labor relations officers for such investigation and action as may be indicated.

The Community Facilities Administration provides financial assistance for construction in the form of loans and grants in the following programs: College housing loan program, senior citizens housing loan program, public facility loan program, accelerated public works grant program, non-Federal school construction grant program, by delegation from DHEW.

In all of their loan and grant contracts CFA requires the borrower or grantee to incorporate a nondiscrimination in employment provision in its construction contracts. Contractors are required on payrolls submitted to CFA to indicate which employees are members of minority groups and signs are required to be posted on the projects announcing the policy of nondiscrimination in employment. Field engineers who receive and examine the payrolls are instructed to call to the attention of contractors any failure to include members of minority groups among their employees.

On June 22, 1963, the President issued Executive Order No. 11114 "Extending the authority of the President's Committee on Equal Employment Opportunity." The President's committee will now have jurisdiction over construction contracts financed with assistance from the Federal Government. Construction contracts in the aforementioned PHA and CFA programs are covered by the order.

Enclosed are copies of various issuances by this agency with reference to the implementation of the Executive order.

If you desire any further information with reference to your series of questions, please let me know.

Sincerely yours,

ROBERT C. WEAVER,
Administrator.

Mr. HART. Mr. President, the reply from the National Aeronautics and Space Administration indicates their belief that they have sufficient authority to withhold funds under the President's Executive order on equal employment opportunity.

I ask unanimous consent that the letter signed by Paul G. Dembling, Director of the Office of Legislative Affairs for NASA, be printed at this point in my remarks.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., June 3, 1963.

Hon. PHILIP A. HART,
U.S. Senate, Washington, D.C.

DEAR SENATOR HART: This is in further reference to your recent inquiry regarding the authority of this Agency to withhold funds from grants or contracts in the event of discriminatory practices by a grantee or contractor.

With regard to NASA contracts, the clause required to be included by Executive Order No. 10925 provides adequate termination authority in the event of discrimination by the contractor against any employee or applicant for employment. NASA could not, of course, place a contract with an organization if, at the time, it was aware of discriminatory practices by the potential contractor that would be in violation of this required clause.

Similarly, in the case of grants, NASA has adequate authority to withhold the making of a grant to an organization that engages in practices that contravene the Executive order. NASA grants also contain general authority for termination of a grant by the Government.

This authority could be invoked if the grantee should engage in practices established as discriminating under the Executive order.

Accordingly, we see no need for additional authority in order to carry out the policies set forth in Executive Order No. 10925.

Sincerely yours,

PAUL G. DEMBLING,
Director, Office of Legislative Affairs.

Mr. HART. Mr. President, the reply from the Tennessee Valley Authority indicates a commendable nondiscrimination policy followed by this agency; but I am hopeful that we can obtain a reply to the basic question of the authority to withhold funds. I ask unanimous consent that the letter signed by Frank E. Smith, Director, TVA, be printed at this point in my remarks.

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

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., May 17, 1963.

The Honorable PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR MR. HART: This is with further reference to your letter of May 1, 1963, concerning racial discrimination.

Our legal division advises me that all of our contracts for procurement of supplies, equipment and construction work, except those exempted under the regulations of the President's Committee on Equal Employment Opportunity, include a nondiscrimination provision which specifically permits cancellation of the contract by TVA if the contractor follows discriminatory practices.

As I noted in my letter of May 6, TVA does most of its construction work. In such work, as in TVA employment generally, we have long followed a nondiscrimination policy.

TVA administers no grant programs. One type of transaction which we do have with some frequency, and in which you may be interested, involves the leasing or transfer of reservoir lands to State or local agencies for public recreation purposes. Such leases or transfer involve nominal payments by the

agencies concerned to TVA, the real consideration being the agency's agreement to assume all of the expense of developing the lands involved. Beginning in 1957, we have included an express condition in all such leases and transfer agreements that the land involved be made available for public recreation use by "all members of the general public without distinction or discrimination," together with a provision permitting TVA to cancel the lease or reclaim the lands transferred should the condition be breached. Since 1959 we have included similar provisions in leases and licenses of TVA reservoir lands for use by private parties in operating commercial public recreation facilities such as boat docks and fishing camps.

If you wish any further information, please let me know.

Cordially,

FRANK E. SMITH,
Director.

Mr. HART. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a reply from the Farm Credit Administration, signed by R. B. Tootell, governor. I am asking that they reply more specifically to the basic question of the authority to withhold funds should discrimination exist in any of the participating banks and credit associations.

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

FARM CREDIT ADMINISTRATION,
Washington, D.C., May 10, 1963.

Hon. PHILIP A. HART,
U.S. Senate.

DEAR SENATOR HART: This is in reply to your inquiry of May 1, 1963, as to the authority to withhold Federal funds if racial discrimination occurs in those operations and activities of any loan program administered by the Farm Credit Administration.

The lending which comes under the supervision of the Farm Credit Administration consists of long-term farm mortgage loans made by the Federal land banks through 764 Federal land bank associations; short- and intermediate-term loans made to farmers and ranchers by 487 production credit associations, which loans are rediscounted with the Federal intermediate credit banks; and loans made by the banks for cooperatives to farmers' cooperative marketing, supply, and service associations. The only Federal funds in the banks and associations consist of capital stock owned by the United States in the Federal intermediate credit banks and banks for cooperatives, which is gradually being retired, and capital stock in seven of the production credit associations which will be retired when the need therefor no longer exists. Otherwise the capital stock of the banks and associations is owned by the borrowers and eventually will be entirely so owned. The funds with which the loans are made are largely obtained through the sale of bonds or debentures of the banks to the investing public. These securities are payable by the banks which issue them and are not guaranteed by the United States either as to principal or interest.

It is our opinion that there is no racial discrimination in the lending operations of the banks and associations we supervise. Borrowers must meet certain legal eligibility requirements, and loans are made or rejected in accordance with general credit standards.

Very truly yours,

R. B. TOOTELL, *Governor.*

Mr. HART. Mr. President, I look forward with considerable interest to the replies from the other executive departments and agencies. I know that Senators, as they consider title VI of S. 1731, will want to have a clear answer to the question of the existing executive authority, and a fairly specific definition of the areas where the departments and agencies believe additional statutory authority is needed.

Such information, when it is collected, I am convinced, will make a sound record for the President's request for congressional action in this area.

Mr. President, I believe that these comprehensive replies from the Federal agencies represent a historic review of the nondiscrimination policies of the executive branch of this government.

For far too long we have been less than frank with ourselves in looking at the cold facts of the nondiscriminatory expenditure of tax moneys from all Americans. That day has now ended.

In these replies, and I am sure in those yet to be received, the Congress and the American people have forthright statements of the policies presently in force. We see the vigorous steps which have been taken in recent months. We can now properly assess the legislative and executive steps to be taken.

We have examples of firm determination by the President and responsible executive officials who are facing the challenges and opportunities of ending discrimination through forthright executive action. Clearly this record of review and action deserves commendation.

There is obviously a job for Congress. We now have frank appraisals, as in the letter from the Defense Department on the National Guard programs of the national policy questions presented in taking immediate further steps.

The President, in his most recent civil rights message, requests a congressional grant of discretionary authority with which to reach these remaining areas of racial discrimination in federally assisted programs.

For myself, I prefer a simple, explicit statute which would outlaw such discrimination now. Such a law might be written, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, no financial or other assistance may be furnished under any law of the United States, directly or indirectly, to or for the benefit of any program or activity carried out in any State or possession of the United States or in the District of Columbia, in the course of which any individual is discriminated against on the ground of his race, religion, color, ancestry, or national origin.

Congress must weigh the urgency and desirability of the alternatives.

Far too long the burden of proof, the legislative hazards, and the focus of public attention have been on those in and out of Congress attempting enactment of piecemeal riders to specific appropriation and legislative measures to restrict the flow of Federal funds supporting racial segregation.

The well-being of the Nation requires that the question no longer be posed in the form of specific antidiscrimination riders to health, welfare, and educational programs.

The majority in Congress who support education and welfare programs must know and be assured that Federal funds under basic law and announced executive policy will not support discrimination.

Opponents of programs who wish to stand in opposition should vote directly against such programs. We can no longer tolerate antidiscrimination riders designed to confuse and distort the real issue.

If there are those in Congress opposed to their State or district receiving Federal funds with the condition that they be expended fairly to all regardless of race, let them vote directly against such expenditures.

The burden of opposition must be theirs. It must not rest on a majority of Congress who today are asked to choose between a needed Federal program or an amendment to assure that it is administered in a constitutional manner.

For these reasons, for the 20 million Americans who have not always been given the full benefits of the taxes they have paid, and for the great majority of the 160 million Americans whose conscience is moved in the spirit of simple justice, we in Congress must face and resolve this issue, which is presented in dramatic highlight by the message of the President and the bill he has transmitted. I hope Congress will deliver specifically on each of the recommendations made by the President. I support wholeheartedly each of those recommendations.

There is some willingness at the moment to debate whether this is a politically advantageous or disadvantageous position for the President and his party to find themselves in. This is not the debate on which history will judge us. History's verdict upon us will be whether in the middle of 1963, with the clock of history smashing us in the face, with the currents that are flowing clear for all to see, Congress responded in a fashion that was consistent with the principles which have been discussed for generations. This is the way the verdict will be rendered. Will we be responsive, or will we not?

Only a few weeks ago this Nation was at the brink of disaster at Birmingham. The threat of our destruction was not from some missile launching pad in Cuba or Moscow. It was because of our own failure as a society to live decently with ourselves.

The recommendations offered by the President of the United States point the way—and I suggest perhaps the only way—in which we can have a measure of confidence about history's verdict of us. Unless the pressures which surge across America at this instant are channeled into the courts, no man can know the consequences. None of us has any excuse about not being forewarned. Indeed, we are fortunate that time has run relatively slow on this question. But suddenly the pace has stepped up. Our responsibility is so clear and our obli-

gations so evident for all to see that I hope before Congress leaves Washington it will have delivered to the President each of the recommendations he offers us. Each is sound; each is needed.

LEWIS MUMFORD AND THE COLUMBIA RIVER

Mrs. NEUBERGER. Mr. President, one of my long-time correspondents is not an Oregonian but a North Carolinian. Mr. Garth Cate is an oldtimer in the work of conservation and travel promotion and thinks the two go hand-in-hand. He recently sent me excerpts from the broadcast he made in 1938 and in which he quoted Lewis Mumford on the subject of the Columbia River.

Mr. President, I ask unanimous consent to include the quotation of Mr. Lewis Mumford in the RECORD.

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

The Pacific Northwest is as definite a region as New England; and today it stirs the imagination with its industrial possibilities as perhaps no other part of the country does except the Tennessee Valley. Along the Columbia River Gorge, if planning intelligence and social vision is applied to the job, a new type of industrialism may indeed develop. No longer will it be tied, like the coal-and-iron techniques, to the site where power is developed: The last place in the world where industry should be placed is close to the Bonneville Dam. By the hooking together of the whole Northwest through a comprehensive grid system, industry may be decentralized over a broad region, close to its markets, to its raw materials, the forests, and to the special ores that have hardly even now been prospected; while at the same time nature's most favored landscapes may be kept inviolate for the recreation and delight of the whole population.

The Columbia River Gorge unrolls itself, from the Hood River almost down to Portland, like a classic Chinese kakemono: Here is the same exciting combination of lacy vegetation, jutting rocks, waterfalls half hidden in mist, which so many of the Chinese painters loved. While Rainier and Hood and Olympus are grand spectacles, these ice-capped giants have their counterparts in other parts of the world, in the Alps, in the Tyrol, in the Himalayas. But the Columbia Gorge has a beauty uniquely its own.

To scatter broadcast for industry and agriculture the power of Bonneville or Grand Coulee, and to retain the scenic parts of the gorge as a permanent home for the human spirit is the first duty of intelligent resource planning in the Northwest. To do otherwise would be shortsighted even from the standpoint of business; for the attraction of the Northwest for visitors from other parts of the country will grow from year to year, unless the gorge is degraded into the condition of another Niagara, merely to please those who have speculated in building sites in this area.

This whole country, with its gigantic firs, with its old-fashioned abundance of game fish and wild animals, with its formidable mountain wastes, with its lush orchards, like those of the Willamette, the Hood, and the Yakima valleys, is a challenge to the social intelligence of the new generation.

Part of its forests have been butchered; part of its natural opportunities remain undeveloped; part of its social advantages have been mismanaged in the interests of a weedy speculative urban growth that lacks both stability and sound purpose. But here, as almost nowhere else in the country, are still the unspoiled makings of a great civilization and culture: provided there is mind enough to master the materials and to project the outlines of a new social order.

EDUCATION AND EMPLOYMENT

Mr. RANDOLPH. Mr. President, the changing structure of the American economy has placed an increasing value on higher educational attainments and technical skills. For example, in the decade since 1952 the proportion of white-collar workers among men has risen from 33 percent to 40 percent, the greatest increase having been among those in the professional and technical occupations.

The significance of formal education is even more dramatically illustrated in the unemployment rates in our country. As of March 1962, the unemployment rate among men aged 25 to 54 years was 9.1 percent for those who had had less than 8 years of schooling, 7.7 percent for those who had had 8 years of schooling. And 6.6 percent for those who had had some high school education. It was 3.5 percent for those who had graduated from high school. It was 2.2 percent for those who had attended college but were not graduated. But it is important to note that the unemployment rate was only 1.2 percent for men in the age bracket of 25 to 54 years who had completed college or university studies.

The same general trend prevails among females in our work force. Among women in the same age bracket, the comparable unemployment rates are 7.9 percent for those with less than 8 years of school, 7 percent for elementary school graduates, 8.1 percent for some high school, 4.6 percent for high school graduates, and 2.4 percent for those who had attended college but not graduated.

John F. Henning, Under Secretary of Labor, indicated the scope of this problem of technological advance when he testified before the Subcommittee on Manpower and Employment, of which I am a member, of the Senate Committee on Labor and Public Welfare. He set forth for us—and I repeat in essence what he said, so that the record of this day's proceedings in the Senate will clearly indicate it—that the Department of Labor has estimated that during the decade of the 1960's, our annual average labor force will be 80 million workers.

With a 3-percent annual increase in productivity in this country, this means that we must provide 2,400,000 new jobs each year for the workers who have been displaced by mechanization, automation, and other technological changes. Over the decade, this will call for 24 million new jobs, in addition to the 12,500,000 that will be required by reason of the increased population in the United States.

The pace of technological change is, of course, a product of the tremendous and rapid increase in scientific knowledge in this country, as in other parts of the world. This stepped up tempo was graphically illustrated when, as I recall, at a recent hearing of our Subcommittee, it was testified that a Yale University professor of physics, who approximately 5 years ago made an original contribution to nuclear physics, today cannot even understand the literature in the specific subcategory of physics in which he functioned creatively only a little more than 5 years ago. Having remained inactive in that particular field for a period of only 5 years he has completely lost touch with the most recent developments. This situation is not peculiar to the professor at Yale University; it is multiplied in hundreds of cases.

Furthermore, down the scale of education and skills this process also takes place. With reference to the hundreds of thousands of young people from our schools and colleges and universities who are moving into the work force in the coming decade, this process has major implications. It means that a young person now entering the labor force may expect to be technologically displaced three or four times during his normal working period or career.

This situation—with its tragic potentialities—means that our entire educational system must be more closely geared to the developments of the scientific era in which we live. We have talked often of automation, which is the application of automatic machinery to the processes of production. And in West Virginia, we have felt its impact.

Now we are confronted not only with automation, but with cybernation, which is the application of machines to the logical process of decisionmaking—in industry, in Government, in trade and in the service fields. For example, we find that, with the use of the new technology the U.S. Bureau of the Census will employ some 50 statisticians with computers to perform the work formerly engaging the efforts of 4,000 workers. The Federal tax returns which will soon be processed by 80 persons formerly occupied some 4,100 men and women. And in a department store in New York City, an electronics salesgirl now sells 36 items in 12 different patterns of sizes. If a customer should give her a $5 bill for an item costing $3.40, she will return $1.60 in change. In addition, the electronic salesgirl even refuses counterfeit currency. Thus when we read, as we have recently in a story by Phil Casey in the Washington Post, about the discarding of the pioneer Univac I after 10 years of use in the Army Map Service for the modern and more sophisticated Honeywell-H 800, we realize that the new technological revolution is well advanced. We must understand that this revolution is being extended not only in West Virginia where some 90,000 to 100,000 coal miners have lost their jobs, but it is also taking place in California, New York, and Oregon.

I referred to Oregon, and I am delighted that the able Senator from Oregon [Mr. MORSE] is in his seat in the Chamber because, as the very distinguished chairman of the Senate Subcommittee on Education, on which I am

privileged to serve, he has been especially cognizant of the problem.

We will have to face this new problem—not only that of automation which has left its impact on West Virginia in the manufacturing and mining industries—but the problem of cybernation which as I have indicated, involves the logical decisionmaking functions. So my colleagues, within government, industry, and business we must acknowledge the serious and possibly tragic consequences, if the working men and women of the United States are too rapidly displaced by technological advances. We must be prepared to retrain these workers for new and constructive functions in a dynamic economy.

I am not discouraged. We are challenged, and the Subcommittee on Manpower and Employment, and other congressional committees, as well as leaders in private industry, business, organized labor and educational institutions are now more ready than they were a year or two ago, to probe into the subject and attempt to find answers—partial, but in the future, we trust, more complete.

Mr. MORSE. Mr. President, I wish to associate myself with every word spoken by the Senator from West Virginia (Mr. RANDOLPH), for on the floor of the Senate he has again exercised his well-known leadership in calling the attention not only of the Senate, but the people of the country, to one of the great economic problems that confront us in the years immediately ahead, and that is a crisis problem.

As I have sometimes put it in some of my speeches in the Senate, it is a problem that involves the need for the development of the underdeveloped areas in the United States. I yield to none in my concern for the people in the underdeveloped areas abroad. But we cannot be of any help in the long run to the people of the underdeveloped areas abroad if we continue as we are now doing to weaken our own economy. It is about time for us to practice partisanship outside the doors of the Senate and take on the present administration whenever we think it is wrong, in accordance with the dictates of the facts. I say to the President of the United States from the floor of the Senate today, that this administration is dead wrong with regard to its recommendation for $4.5 billion for foreign aid this year, when there cries out across our Republic the demand of millions of our people for a little attention on the part of our Government to be paid to their sorry economic plight. We ought to take the sound general principles contained in the speech of the Senator from West Virginia and apply them to the question of foreign aid.

Today I shall speak briefly on foreign aid and then briefly on a civil rights issue.

FOREIGN AID

Mr. MORSE. Mr. President, I shall not take up much of the time of the Senate today with a lengthy installment of my critical examination of the foreign aid bill. But I can assure those few of my colleagues in attendance today that this exercise of restraint does not stem from any lack of ammunition or of combative spirit. Rather, it derives from the recognition that all of us are in a mood for fireworks of a different variety, and that there will be ample opportunities in the days ahead to make detailed revelations about the maladies inherent in this bill—which, among others, include elephantiasis, dropsy, and hardening of the arteries.

Each year we hear plaintive cries from downtown about the many restrictions written into the bill by a—in my opinion—rightfully suspicious Congress. Each time we try to amend a few of the enormities which offend us most, we evoke a storm of anguished protests about tying the President's hands.

If anyone has any question about that point, I suggest that he come over to my office and read some of my mail from those who have been victimized by international dogma that seems to think the senior Senator from Oregon is tying the President's hands. What I am seeking to do is untie his hands. I am seeking to get the President of the United States to follow where I believe the facts clearly lead on the question of foreign policy and try to get him to look at the other side of the coin, for the most powerful lobbyists in America today are the lobbyists of the Pentagon, the State Department, and AID. So I shall continue day by day, so long as the bill is in committee and subsequently before the Senate, to do my best to take the facts to the President of the United States, because the President will have to make the final decision as to what administration policy shall be. On the floor of the Senate the other day I said, and I repeat today, that there is being developed in the foreign aid bill a political time bomb that will explode in the face of the administration if the administration permits its completion. If Senators have any doubt about that, I suggest that they come over and read the other type of mail I get. I welcome any officer of the administration to come to my office and read it. My mail is running better than nine to one in support of my criticisms of the foreign aid bill.

Whether this President and this administration know it or not, it is about time for them to take some soundings. They will find, that millions of American people across the country are saying to them, "We have had enough—too much of taking out of the largesse and of the pockets of the American taxpayers billions of dollars for foreign aid and pouring it into parts of the world where nations are now economically capable of making their own contributions to foreign aid to underdeveloped areas of the world."

So long as the United States is willing to continue to drain its gold supply, they will let us drain it. I pointed out in my most recent speech that the gold supply of the United States has reached its lowest point in 15 years.

Which are some of the countries which are drawing on the gold supply? They are the allies into whose treasuries we have poured billions of dollars since 1946—such as France. I say to the apologists for Great Britain, "Do not tell me what a great ally Great Britain is these days in connection with economic matters involving foreign aid." There has been a failure on the part of Great Britain to bear her share of the price of supporting freedom in the world.

Where is Great Britain in South Vietnam? For that matter, where are any of our NATO allies in South Vietnam? They are noticeable by their absence. There are a few token gestures.

The spokesmen for the administration, appearing before the Committee on Foreign Relations, when I examine them on this subject, have the audacity to suggest that they are doing something. When an ally is participating in the support of freedom only on a token basis, so far as I am concerned that ally is doing nothing but playing the role of a hyprocrite. Our NATO allies are not supporting the United States in the great fight the United States is making for freedom in the world.

The time has come for my administration to lay it on the line. It is fine to stand up in Berlin and pledge American cities destruction, if necessary, to defend freedom in Berlin. Of course we will defend freedom in Berlin. But let us get from West Germany pledges to defend freedom elsewhere in the world; namely, pledges to help with economic aid to Turkey and to Greece. Last year, there was programed over $300 million in military and economic aid to Greece and Turkey, paid for by Uncle Sam. I have not been advised of any reduction being planned for fiscal 1964. Turkey and Greece maintain 24 divisions in the Mediterranean, and they could not maintain a man without American aid.

I say to West Germany, "It is fine, by the millions, to applaud the United States when the great President of the United States visits Germany, but what are you putting on the line in defense of freedom elsewhere in the world? This must not be a one-way street, with the Americans traveling in one direction only."

It is about time that we had a greater manifestation from West Germany of a willingness to pay for the protection of freedom everywhere in the world that freedom needs to be protected, for which we are paying the major bill.

If this administration is unaware of the facts with regard to what is going on in this country, increasing millions of American people are awakening to them. They want the bill reduced. They also want us to cut off some of the more than 80 countries of the world which have their hands in the pockets of Uncle Sam.

As the Senator from Idaho [Mr. CHURCH] said on the floor of the Senate the other day, outside the Communist bloc there are only 8 nations in the world which are not receiving aid from the United States. Our economy cannot stand that, and our economy is not doing well. Our economy, at the moment I speak, is lagging behind the economies of most of the NATO countries.

The American people will wait for answers from this administration. All I

can do is plead again, as I have so many times in 19 years from this floor, "Do not try to fool the American people on the facts, for if you do and they come to believe it was a deliberate deceit you will stay home at the next election"—and should.

Again I say to the American people, "Remember, your only check on Congress is to beat them—to beat them at the polls when they walk out on their public trust."

The politicians cannot justify undercutting our economy as this $4½ billion bill this year for foreign aid would undercut it.

My administration can furnish a political doghouse for me any time it wishes, if that is where it wants to put me, because I shall refuse to vote on the basis of a partisan appeal for any bill which in my judgment is not in the long-time best interests of my country.

So I say that these days the critics of my position are making impassioned demands for flexibility rather than for restrictions in the foreign aid bill. I say, as I have said before, that one would think that we had provided the President with a straitjacket rather than with a useful foreign policy instrument.

CONTINGENCY FUND

Mr. President, let us briefly examine the question of flexibility which is being mouthed so glibly and frequently by the advocates of this foreign aid bill. When the question arises, the executive branch testimony is usually directed in a plaintive fashion to a staunch defense of the contingency fund, as if it were the sole instrument available to carry out an exercise of Presidential discretion. This year, the request is for $300 million. That is $50 million more than was appropriated last year, and of the $250 million provided last year, some is unspent.

Thus, when Members like myself seek a reasonable reduction in the authorization request for the contingency fund, the immediate and intense outcry would lead one to think that we were trying to cut off the President's good right arm.

I repeat the announcement I made in the Foreign Relations Committee. I shall offer an amendment to limit the President's contingency fund to $100 million. That is more than ample.

Do Senators know how long it would take any President to come before a joint session of Congress, if he thought the emergency warranted it, and make a plea for immediate emergency funds to meet some emergency that might arise? Not 20 minutes. He is 20 minutes from the rostrum to which he can make an appeal, if he thinks the facts warrant it, for an increase in emergency funds.

Even that would not be necessary, for these emergencies are not overnight affairs. The Cuban emergency of last October was developing for days. There are other funds available, and there usually will be other funds available, as I shall point out momentarily. But, Mr. President, there is a great principle of representative government involved, and the senior Senator from Oregon is not speaking on the subject matter for the first time, for the CONGRESSIONAL RECORD will show that I took the same position on principle when Harry Truman was President, and when Dwight Eisenhower was President, as I am taking now when John Kennedy is President. It is the principle left to us by the great heritage of Jefferson and the forefathers who created this Republic with him. It is the principle of maintaining a check on the exercise of discretion by mere men who are administrators of government.

Without reference to any particular President—past or present—I say to the American people that it is never safe to give any President unchecked power. Three hundred million dollars? Forget about this administration. Think with me for a moment about a historic hypothetical. There could be a President of the United States who could follow a course of action, with the use of $300 million, that could throw this Republic into war overnight. It is no answer to say, "Ah, but our President has so many other powers that would enable him to do the same thing. Why are you objecting to this power so strenuously?"

I take only one of these powers of unchecked discretion at a time. Give me some other unchecked power of the President of the United States, and the vote of the senior Senator from Oregon will be in favor of the check. I have an instant case now before me. I have the question of the contingency fund of the President of the United States and the bill asking for $50 million more than he was appropriated last year, and I said to the President, "You have not shown by your witness before the committee any need for $300 million."

We are dealing with the President most generously if we give him $100 million. This year I shall favor even a tightening of the procedural steps he will have to take to spend that $100 million.

Partisans will say that the Senator from Oregon has criticized the President on the floor of the Senate. No such thing. I am criticizing giving such power to the Presidency, to the office of the President of the United States, under our system of government, which depends for its survival on the maintenance of a strong system of checks and balances on any unchecked power to the office of the presidency—I care not who occupies the office.

I am not seeking to cut off the President's right arm. I am seeking to strengthen the President's right arm, for the President's right arm is strengthened whenever there is maintained inviolate the precious principle of checks and balances under our constitutional system.

I say to the American people, "Do not brush aside these abstract principles of government, for all your rights as free men and women stem from those abstract principles of government."

It is with great sadness that I have to say today that in my many years in the Senate I have seen a growing tendency on the part of Congress to gloss over a withering away of full protection of the abstract principles of government.

My vote is never going to be in support of such a program, and I am not going to vote to weaken the President's right arm by giving him $300 million in this contingency fund. In my judgment, we would take away more strength from that right arm than we would give to him by giving him the $300 million. What will result if we give him the $300 million is an increase in the number of people who will start raising questions as to whether or not this President of the United States is as stanch a defender of the system of checks and balances as we were led to believe. I believe the President has been ill advised. I want to believe that he has not fully comprehended the import and imputations connected with his request for a $50 million increase in unchecked Presidential contingency funds.

Let us nail another myth to the floor of the Senate today that the propagandists are seeking to circulate in support of the proposal that we must give the President $300 million, for, after all, in terms of dollar signs in the bill, that is not so much. Of course, it is a colossal amount when we think of the fact that it is unchecked money. But what the witnesses from the Pentagon dealing in aid conveniently forget to tell us is that the President has other wide discretionary powers under this bill.

TRANSFER AUTHORITY

The contingency fund is by no means the only source of money which can be used freely by the executive branch. On the contrary, a summary of the foreign aid legislation prepared by AID itself notes that "the limitations must be viewed in terms of three authorities which provide flexibility."

First, there is section 614(a), which authorizes the use of up to $250 million in any fiscal year for any of the purposes of the act—except that this waiver authority cannot detract from the development loans or the Alliance for Progress program.

Second, section 610 provides that the President may shift up to 10 percent of the total funds provided to any specific purpose authorized by the act as a whole. While the same restrictions concerning development loans and the Alliance for Progress obtain, it would appear that as much as $280 million could be so employed—even though this could not all go to any one purpose, because no one provision can be increased by more than 20 percent.

In the third place, section 510 permits the President to use Defense Department stocks and services for the purposes of this act up to a total value of $300 million, which may be then reimbursed from subsequent appropriations. We always have to keep in mind when considering a military aid request of $1.4 billion that the President may still send $300 million more in Defense Department stocks that will be reimbursed out of the regular Defense Department appropriation.

Perhaps neither my mathematics nor my understanding of what I read is impeccable. However, by my calculation, if one includes a contingency fund of $300 million, the total sums available for the exercise of Presidential discretion add up to $1,130 million. This is no trifling sum of money.

Admittedly, there are certainly inhibitions upon Presidential use of such funds, and it is not really conceivable that the total of more than $1 billion would be shifted or redistributed within the total program. At the same time, I do hope that executive branch witnesses and my colleagues will understand if I am not impressed with allegations about tying the President's hands.

If there is any bill that leaves the President's hands untied, it is this bill. The President's hands will still have great flexibility of movement if all the amendments which will be proposed by the Senator from Oregon and other Senators are adopted.

If there is no flexibility in the foreign-aid bill, according to executive branch standards, I should literally hate to see what propositions would result from the application of those standards, for I would think that Congress might then just write blank checks to the President at foreign-aid time each year and tell him to go ahead and spend as he will.

I hope that as the debate progresses, the advisers to the President will take a second look at the bill. There is an opportunity for an act of great historic statesmanship waiting for the President to perform it. The President of the United States would be acclaimed across this land by both supporters and opponents of the foreign-aid bill if he notified the two committees of Congress which have jurisdiction over it that he is recommending modifications in the bill to meet the supportable criticisms which some of us have been making of the bill.

In an hour when the maximum of unity is needed in this Republic, the President should reconsider this bill from the premise that I have outlined, for I am certain that if the administration at the moment thinks it has the votes with which to ram this bill through Congress, it may discover that it is sadly mistaken.

However, if subsequent events prove me wrong and the President right in regard to the relative voting power in Congress, I am sure of one thing, and that is that at the grassroots of America this bill does not find enthusiastic public support, and will not find enthusiastic public support.

The time has come when the administration had better take another look at this foreign-aid bill and stop talking of ramming it through Congress, by whipping politicians into line. It should start talking to Congress on the basis of the merits we can agree are involved in the bill, even if the administration finds it necessary to modify its position.

Reluctantly or not, it ought to modify its position, because the administration is not going to end the criticisms of this give-away to nations which no longer deserve the giveaway, while we have the rising threat to the soundness of our own economy and enlarging pockets of economic underdevelopment in our own Nation.

I shall discuss in my next speech, which will be given when next the Senate meets, another phase of the problem. If Congress were to stay in session until January 1 without acting on the foreign aid bill, I could not begin to cover all the issues that ought to be discussed daily if I picked an issue a day in criticism of this bill.

CIVIL RIGHTS

Mr. MORSE. Mr. President, in the recent past, two outstanding clergymen, along with many other clergymen—but I select these two on whose statements I wish to comment—have spoken to the American people on the civil rights issue.

The New York Times, on May 26, 1963, under the heading "The Racial Plea Goes to Episcopalians: Bishop Asks Active Support of Negroes' Protests," printed an article about a public announcement by the Presiding Bishop of the Episcopal Church, the Right Reverend Arthur Lichtenberger. The article begins with the statement:

The Nation's 3,500,000 Protestant Episcopalians were called upon by their presiding bishop yesterday to give active support to protest movements against racial segregation.

I ask unanimous consent that the entire article be printed at this point in the RECORD.

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

[From the New York Times, May 26, 1963]

RACIAL PLEA GOES TO EPISCOPALIANS—BISHOP ASKS ACTIVE SUPPORT OF NEGROES' PROTESTS

The Nation's 3,500,000 Protestant Episcopalians were called upon by their presiding bishop yesterday to give active support to protest movements against racial segregation.

In a statement sent to the denomination's 6,300 clergymen, the Right Reverend Arthur Lichtenberger warned of the "possible imminence of catastrophe" unless Negro demands for equal rights were granted.

He called for "an unmistakable identification of the church, at all levels of its life, with those who are victims of oppression."

NONNEGOTIABLE RIGHTS

The full text of his statement follows:

Recent events in a number of American communities—Birmingham, Chicago, Nashville, New York, and Raleigh, to mention only the most prominent—underscore the fact that countless citizens have lost patience with the slow pace of response to their legitimate cry for human rights.

Pleas of moderation or caution about timing on the part of white leaders are seen increasingly as an unwillingness to face the truth about the appalling injustice which more than a tenth of our citizens suffer daily. While we are thankful for the progress that has been made, this is not enough.

Our church's position on racial inclusiveness within its own body and its responsibility for racial justice in society has been made clear on many occasions by the general convention. But there is urgent need to demonstrate by specific actions what God has laid on us.

Such actions must move beyond expressions of corporate penitence for our failures to an unmistakable identification of the church, at all levels of its life, with those who are victims of oppression.

CONTRAST TO PRAYERS

I think of the words we sing as we hail the ascended Christ, "Lord and the ruler of all men," and of our prayers at Whitsuntide as we ask God to work His will in us through His Holy Spirit. And then in contrast to our praises and our prayers our failure to put ourselves at the disposal of the Holy Spirit becomes painfully clear. Only as we take every step possible to join with each other across lines of racial separation in a common struggle for justice will our unity in the Spirit become a present reality.

It is not enough for the church to exhort men to be good. Men, women, and children are today risking their livelihood and their lives protesting for their rights. We must support and strengthen their protest in every way possible, rather than give support to the forces of resistance by our silence.

It should be a cause of rejoicing to the Christian community that Negro Americans and oppressed peoples everywhere are displaying a heightened sense of human dignity in their refusal to accept second-class citizenship any longer.

The right to vote, to eat a hamburger where you want, to have a decent job, to live in a house fit for habitation: these are not rights to be litigated or negotiated. It is our shame that demonstrations must be carried out to win them. These constitutional rights belong to the Negro as to the white, because we are all men and we are all citizens. The white man needs to recognize this if he is to preserve his own humanity.

It is a mark of the inversion of values in our society that those who today struggle to make the American experiment a reality through their protest are accused of disturbing the peace—and that more often than not the church remains silent on this, our greatest domestic moral crisis.

CALLS FOR PERSONAL ACTION

I commend these specific measures to your attention:

I would ask you to involve yourselves. The crisis in communities North and South in such matters as housing, employment, public accommodations and schools is steadily mounting. It is the duty of every Christian citizen to know fully what is happening in his own community, and actively to support efforts to meet the problems he encounters.

I would also ask you to give money as an expression of our unity and as a sign of our support for the end of racial injustice in this land. The struggle of Negro Americans for their rights is costly, both in terms of personal sacrifice and of money, and they need help.

I would ask you to take action. Discrimination within the body of the church itself is an intolerable scandal. Every congregation has a continuing need to examine its own life and to renew those efforts necessary to insure its inclusiveness fully. Diocesan and church-related agencies, schools and other institutions also have a considerable distance to go in bringing their practices up to the standard of the clear position of the church on race. I call attention to the firm action of the recent convention of the diocese of Washington, which directed all diocesan-related institutions to eliminate any discriminatory practices within 6 months. It further requested the bishop and executive council to take steps necessary to disassociate such diocesan- and parish-related institutions from moral or financial support if these practices are not eliminated in the specified time. I believe we must make known where we stand unmistakably.

So I write with a deep sense of the urgency of the racial crisis in our country and the necessity for the church to act. Present events reveal the possible imminence of catastrophe. The entire Christian community must pray and act.

Mr. MORSE. Mr. President, Bishop Lichtenberger said, in part:

Recent events in a number of American communities—Birmingham, Chicago, Nashville, New York, and Raleigh, to mention only the most prominent—underscore the fact

that countless citizens have lost patience with the slow pace of response to their legitimate cry for human rights.

Pleas of moderation or caution about timing on the part of white leaders are seen increasingly as an unwillingness to face the truth about the appalling injustice which more than a tenth of our citizens suffer daily. While we are thankful for the progress that has been made, this is not enough.

Our church's position on racial inclusiveness within its own body and its responsibility for racial justice in society has been made clear on many occasions by the general convention. But there is urgent need to demonstrate by specific actions what God has laid on us.

Such actions must move beyond expressions of corporate penitence for our failures to an unmistakable identification of the church, at all levels of its life, with those who are victims of oppression.

CONTRAST TO PRAYERS

I think of the words we sing as we hail the ascended Christ. "Lord and the ruler of all men," and of our prayers at Whitsuntide as we ask God to work. His will in us through his Holy Spirit. And then in contrast to our praises and our prayers our failure to put ourselves at the disposal of the Holy Spirit becomes painfully clear. Only as we take every step possible to join with each other across lines of racial separation in a common struggle for justice will our unity in the Spirit become a present reality.

It is not enough for the church to exhort men to be good. Men, women and children are today risking their livelihood and their lives protesting for their rights. We must support and strengthen their protest in every way possible, rather than give support to the forces of resistance by our silence.

Later in his statement, Bishop Lichtenberger said:

It is a mark of the inversion of values in our society that those who today struggle to make the American experiment a reality through their protest are accused of disturbing the peace—and that more often than not the church remains silent on this, our greatest domestic moral crisis.

I commend these specific measures to your attention.

Then Bishop Lichtenberger sets forth a series of recommendations and proposals that he suggests the members of his church weigh and accept as modes of personal conduct as they face to this great domestic crisis.

Mr. President, in my own State, on Sunday, June 16—a synopsis being reported in The Oregonian for Monday, June 17, 1963—another clergyman, in this instance in a sermon, discussed the civil rights problem, as well. He is the Rev. Richard M. Steiner, minister of the First Unitarian Church, and the pastor of my distinguished colleague from Oregon [Mrs. NEUBERGER]. Dr. Steiner is recognized not only as a great religious leader in my State but as a greater civic leader, as well, and has been for many years. The story of his sermon reads as follows:

PASTOR EYES RACE STRIFE

Asserting that human rights take precedence over property rights, the Reverend Richard M. Steiner, minister of First Unitarian Church, said Sunday the revolution now going on to give the American Negro his basic freedoms as a human being would be decided on that basis.

"In the ensuing days and weeks Congress will be wrestling with the problem of civil rights * * * intransigent Congressmen will use the questions involving property rights to attack legislation long overdue," he said.

"In so doing they will be declaring their opposition to the moral law which transcends property rights."

Dr. Steiner said the question really being debated, but not spoken, is whether one believes that the soul of any man, regardless of race or color, has an inherent dignity and a potential worth deserving of protection by the Nation against humiliation, debasement, and degradation.

"So when anyone says that every individual has the right to decide with whom he is going to do business on the basis of his race, we are certainly justified by what our religion has taught us to reply that the rights of human spirit transcend the right to do business," he declared.

SLOW AWAKENING SEEN

Referring to the revolution as "sad as well as horrible," Dr. Steiner pointed to the "ever so slow awakening of the segregationist to the fact that his parents were wrong."

"To them it is almost past belief," he said, "that one's parents could be wrong, for it was their parents who taught them (everything)."

Dr. Steiner said that some people confused conscience with moral law, and inferred if this confusion could be ended the revolution could be successfully concluded.

Conscience must be taught, and it is occasionally taught in contradiction to moral law, he said.

CHICAGOAN HAS ANSWER

Turning to the age-old question: "Would you want your daughter to marry a Negro?" Steiner quoted the reply of a Chicago businessman:

"Frankly no," the friend said. "But the only reason is that while I trust my daughter's judgment as to what kind of a man she is going to marry, if she married a Negro I would be unhappy simply because there are unspeakable people like you in the world who would make life miserable for her and their children."

Dr. Steiner said the reason was good enough, but it will become obsolete "when humanity rediscovers the unity of mankind, its oneness, its indivisibility."

"Surely the time has come for the white man to recognize the choices he has to make, examine the principles he ought to recognize, and examine the motives inspiring his actions with respect to his fellow citizen, the American Negro."

I close my remarks on civil rights by making an observation or two on one of the questions that is being asked in the cloakrooms of the Senate and, I understand, in the cloakrooms of the House, too, many times a day: "What will be the position of Congress if, in the weeks ahead, there is a march on Washington by thousands of colored and white people exercising their constitutional right to petition their Government?"

It will give a rationalization, an escape hatch, for the politician who does not want to vote for civil rights, who does not want to vote for cloture, who really does not want to face the reality of the great crisis confronting this Republic, to go back home and say to the people whom he represents, "I refused to yield to pressure and duress." What a great and noble political gesture that will be.

I say to the American people: "Do not let politicians fool you. If they come home and tell you that, beat them the next time they run for office. Get them out of Congress. You should not have sent them here in the first place." In my judgment, we are moving in this issue, toward a drawing of the political lines of this country, in 1964, 1966, and 1968, as they have never been drawn since the War Between the States. We shall have to separate out those in Congress who are willing to compromise human rights and, along with the compromising of human rights, constitutional guarantees.

Demonstrators cannot justify misconduct and violation of the law in their demonstrations. But I am one liberal Senator who will not say to a single Negro in America, "Don't march on Washington." Nor will I say to Negroes, "March on Washington." But I will say to them, "Exercise your own judgment; and if your conscience dictates that in order to keep faith with your conscience you should march on Washington, you have every right to march on Washington peacefully, under the Constitution of the United States."

In the civil rights issue, there is no reason why politicians should be kept in a political vacuum. Peaceful demonstrations by way of marches, insofar as the marchers are concerned, have been carried on in other cities; and there is no reason why Washington, D.C. should be exempt, just because it is inhabited by a lot of politicians. After all, the right of petition includes the right to petition politicians who have the trust of administering the Government. But I think would-be demonstrators and petitioners also have the solemn responsibility to see to it that whatever course of action they follow strengthens their cause. The cause—not the individuals involved in it—is what is important. By that, I mean it is the cause of seeking delivery for the first time in our history—of the Constitution of the United States to the Negroes of America. Thus far, it has never been delivered to them. It is that cause which is of paramount importance—not the individual leaders of a movement which might end in a physical demonstration, by a march on Washington, of the right to petition.

So, Mr. President, I here and now disassociate myself from some of my liberal brethren in the Congress who take the position that, as liberals, we ought to plead with the Negro leaders not to march on Washington. I shall never join in such a plea. I shall plead with Negro leaders and white leaders who are involved in the line of direct action on this great issue to conduct themselves with decorum, whatever their decision; to obey the law; and to respect the legal limitations which may be imposed upon them in connection with demonstrations. But I will not join in any suggestion to them that, for purposes of expediency or compromise or what will be represented to them as their best self-interest and the best interests of their cause, they should give up their right to petition their Government, if in fact they believe that such a demonstration of their right to petition is the course of action they should follow.

I warn them that it will cost them votes; and the rollcall vote will show what votes it costs them, for it will not be very difficult for them to determine

that when the roll is called. Then, thank God, they and all other citizens of this country will have the precious right of freedom to mark their ballots at the next election.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

Mr. McCARTHY. Mr. President, I ask unanimous consent that the Senator from Montana [Mr. METCALF] be designated the Acting President pro tempore for the session on Friday next.

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT TO FRIDAY AT 9 A.M.

Mr. MORSE. Mr. President, under the order of Thursday last, I move that the Senate now adjourn until Friday, July 5, at 9 o'clock a.m.

The motion was agreed to; and (at 3 o'clock and 5 minutes p.m.) the Senate adjourned, under the order previously entered, until Friday, July 5, 1963, at 9 o'clock a.m.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 2, 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 2, 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 Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The words inscribed on the Liberty Bell in Philadelphia:

Leviticus 25: 10: *Ye shall proclaim liberty throughout all the land unto all the inhabitants thereof.*

Almighty God, we rejoice that we are drawing nigh to that sacred day in the annals of our American history when the Founding Fathers signed the Declaration of Independence in which they had stated in verbal form their faith and their deepest convictions.

May our minds expand with spirit of pride and patriotism, of gratitude and reserved consecration as we contemplate and reflect upon the meaning of that significant day.

We pray that our President, our Speaker, and our chosen representatives may be men and women whose manhood and womanhood can match the mountains of difficulty which are now confronting our Republic.

Penitently we confess that we are filled with apprehension and fear for there is so much of disobedience and disrespect for law and authority in our national life and we greatly feel the need of cultivating those finer feelings and aspirations which will make our country truly strong.

Kindle within us the spirit of brotherhood that in these times of peril we may sustain one another and minister to one another's needs.

Hear us in Christ's name. Amen.

THE JOURNAL

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

CIVIL RIGHTS

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. DOWDY] may extend his remarks at this point in the RECORD and include a newspaper item.

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

There was no objection.

Mr. DOWDY. Mr. Speaker, I request the inclusion in the body of the RECORD, as a part of my remarks, an editorial from another of the fine newspapers in my district, the Lufkin (Tex.) News, of June 20, 1963.

The effect of the pending so-called civil rights proposal, and perhaps its purpose, is to abrogate the personal and property rights which were claimed in the Declaration of Independence, and intended to be guaranteed to American citizens in the U.S. Constitution, as is indicated in this sound and thoughtful editorial.

[From the Lufkin (Tex.) News, June 20, 1963]

CIVIL RIGHTS MESSAGE WOULD TAKE ALL RIGHTS

President Kennedy has delivered his civil rights message to Congress, and in so doing, has asked congressional permission for the Attorney General and the Federal Government to take away just about all the rest of the rights of the individual citizens of this country.

It was to be expected the President would ask for power for the Attorney General to force school desegregation around the Nation; for equal rights of employment for all races and colors, and for additional training for the unemployed.

While even some of these seem to be in direct contrast with article 10 of the Bill of Rights which reserves to the States all powers not given the Federal Government by the Constitution, we must remember the Supreme Court previously has ruled States rights mean nothing at all.

Where it seems to us the President has initiated a move to remove the last vestige of rights of the individual—white or black—in his suggestion the right of ownership of property and the right to operate this property be abridged in the interest of (are we cynical?) obtaining Negro votes in 1964.

This is the portion of his message where he told Congress, and we quote a UPI summary of the President's message: "A law should be passed giving persons the right to obtain a court order against any hotel, restaurant, retail store, gas station, or lunch counter dealing with interstate commerce that denies equal access. The Attorney General would be authorized to enter the case if he deemed it necessary, but peaceful persuasion would be tried first."

It is the Federal position that any retail establishment that buys supplies or, in the case of a hotel or motel, accepts customers from beyond the State line; or which is established on an interstate highway, is regarded as being in "interstate commerce."

Reviewing the history of the present Supreme Court decisions, it may be presumed that eventually a ruling will be issued that all retail business or service establishments come under Federal regulation.

This simply means that if the Kennedy proposal gets through Congress, no man or woman will have the right to say who he or she serves in a place of business; when and if this occurs, then the last vestige of individual rights will have disappeared in this Nation, and we will indeed be on the road to State socialism.

H.R. 6081 REREFERRED TO THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that the bill (H.R. 6081) to amend the Canal Zone code to require that postage stamps in the Canal Zone shall bear no legend other than the words "Canal Zone," and for other purposes, be rereferred from the Committee on Post Office and Civil Service to the Committee on Merchant Marine and Fisheries.

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

There was no objection.

SEPTIMIUS SEVERUS, ROMAN EMPEROR

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I have high regard for my good and learned friend from Louisiana [Mr. WAGGONNER]. He was elected to the 87th Congress in December of 1961 to fill the vacancy caused by the passing of our longtime beloved colleague, the Honorable Overton Brooks. He came to this body with a rich background of service in war and in peace. He was a member of the Louisiana State Board of Education and was president of the Louisiana School Boards' Association.

He was in error when he construed my disagreement with the senior Senator from his State as an attack upon that distinguished Member of the other body. I have always defended the precious right of all Americans as individuals to speak their minds, freely and openly, restrained only by the laws of libel and of sedition. It is very seldom that two