Our Best Wishes to President Segni and to Italy

EXTENSION OF REMARKS
OF
HON. JOSEPH G. MINISH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 14, 1964

Mr. MINISH. Mr. Speaker, I am delighted that His Excellency Antonio Segni, President of Italy, has accepted the invitation of President Johnson to visit the United States and that he will address the Congress tomorrow. We should not overlook this opportunity to pay tribute to a leading statesman and his nation. Both have been outstanding practitioners of democracy.

The friendly association of the United States with Italy is one of long duration, extending into the last century. The United States happily received millions of Italian immigrants through her portals, confident they would honor the principles of that Lady of Liberty which welcomed them ashore. They have not disappointed anyone. Italian-Americans have made worthy citizens and successful contributors to every phase of American life. Americans of Italian origin are known and respected in every occupation from artist to Cabinet member.

Like every other country Italy has had difficult times. World War II was certainly one of the most difficult. No American was happy that so much destruction and hardship were brought to Italy. But we were glad to have been Italy's liberators along with our allies, and main contributors to her postwar economic development.

It was in the first years of the postwar period that the backbone of Italian democracy was formed around the Christian Democratic Party, of which President Segni is a member. The Christian Democratic Party has directed the Italian Government for the last 18 years, and is presently embarked on yet another year with a firm parliamentary majority and a progressive program. If Italy continues to escape the designs of international communism it will largely be due to the Christian Democratic Party and President Segni himself.

The party began to exert itself in the first constituent assembly called after the war to overcome the vestiges of fascism, the chaos of the war, and the strong-arm tactics of the Communist Party. Under the constitution which that assembly wrote, the Italian people have enjoyed every guarantee of democratic freedom, and governmental stability such as they have seldom known before.

The parliamentary governments formed under the constitution have in every case been directed by the Christian Democratic Party according to the principles of the constitution and democratic men everywhere. Magnificent economic progress has been made, often called a miracle, and a rich industrial Italy has already risen from the ashes of war. Liberal and progressive welfare, health, and education programs have given Italians a happier life than they could have imagined under an extremist government of either right or left.

Italy was an original signatory of the North Atlantic Treaty, and has significantly contributed to the mutual defense of America and Western Europe. The Christian Democratic Party has continued to trust and support Italy's friends, and abide by every international agreement, despite the severest pressure from the Communist Party.

President Segni has everywhere been in the fore of these important accomplishments of his country and his party. He is a man of liberal intelligence and firm principles. He believes in allied unity. In pursuit of that unity he has often spoken for Italy against those who disrupt the vital cooperation between Europe and America and within Europe itself.

President Segni was the Prime Minister of Italy during a time of crisis, but overcame that crisis. He was chosen President because of his dedication and his popularity with the Italian people.

When Italy called on him last year to carry the message of friendship to Germany and England he gladly accepted. When an electoral crisis brought the avaricious Communist Party about his head, he stood firm for freedom and helped to mold gradually the new government, which has as its basic program, loyalty to the Atlantic Alliance, and a better life for all Italians.

Italy is fortunate indeed to have so capable a head of state visit the United States. On the occasion of his visit we should acknowledge our gratitude and best wishes to President Segni and to Italy. May we always progress together in friendship.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 15, 1964

The House met at 12 o'clock noon.

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

Romans 8: 6: *To be spiritually minded is life and peace.*

Our Heavenly Father, we are again turning to Thee in prayer in order that we may gain a deeper appreciation and experience of the spiritual realities and values, for we penitently confess that our spiritual life is often so meager and minimum in quantity and so impoverished in quality.

We acknowledge that Thou hast divinely ordained that we need mechanics, system, and organization in the business of government, but grant that we may not fail to see that in our political thinking and in the conduct of government we need above all spirit-filled and dedicated men and women.

Grant that we may understand more clearly that Thy divine spirit must permeate and prevail in all our plans and policies lest we be guilty of carrying on the affairs of state on a very low level without having any spiritual frontage.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7406. An act to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. JOHNSTON and Mr. CARLSON members of the joint select committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 64–8.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.) the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE ITALIAN REPUBLIC, ANTONIO SEGNI

The Speaker of the House presided.

The Doorkeeper announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee to conduct the President of the Republic of Italy into the chamber: the gentleman from Oklahoma [Mr. ALBERT], the gentleman from Illinois [Mr. ARENDS], the gentleman from Pennsylvania [Mr. MORGAN], the gentlewoman from Ohio [Mrs. BOLTON], the gentleman from New Jersey [Mr. RODINO], and the gentleman from Massachusetts [Mr. CONTE].

The PRESIDENT pro tempore. On the part of the Senate, the Chair appoints as members of the committee of escort the Senator from Montana [Mr. MANSFIELD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Florida [Mr. SMATHERS], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Illinois [Mr. DIRKSEN],

the Senator from California [Mr. KUCHEL], and the Senator from Iowa [Mr. HICKENLOOPER].

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 30 minutes p.m., the Doorkeeper announced the President of the Italian Republic.

The President of the Italian Republic, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and pleasure to present to you an outstanding statesman and a friend, His Excellency, Antonio Segni, President of the Republic of Italy. [Applause, the Members rising.]

ADDRESS BY THE PRESIDENT OF THE ITALIAN REPUBLIC, ANTONIO SEGNI

President SEGNI. Signor Speaker, Signor Presidente, Membri del Congresso, sono profondamente sensibile all'onore, che mi è stato concesso, di parlare in quest'aula—in cui è risuonata incitatrice ed ammonitrice nelle ore storche più gravi la voce dei più illustri uomini di Stato degli Stati Uniti, dinanzi a questa Alta Assemblea—e di portare ai suoi Membri il saluto fraterno del popolo italiano.

La fraternità che unisce le nostre due Nazioni ha radici profonde: da una parte gli uomini eccelsi che col loro pensiero e la loro azione crearono la Nazione americana si ispirarono spesso ai principi del diritto, della filosofia, della letteratura, in una parola della cultura classica; dall'altra, gli ideali e le gesta della Rivoluzione americana attirarono l'ammirazione degli uomini che poi diedero vita al Risorgimento italiano. Sicchè tra Washington e Garibaldi, Jefferson e Mazzini, Hamilton e Cavour corre un ideale flusso che tutti li a comune. Per decenni milioni e milioni di italiani vennero in questa terra ospitale portando con sè la loro fede, la loro coscienza morale, il loro ingegno, la loro volontà e si amalgamarono pienamente in quell'immenso crogiuolo di razze che l'America fu per tanti anni, divenendo una componente di notevole importanza di questa Nazione. Per ben due volte in questo secolo soldati americani vennero a dare la loro vita per aiutare l'Italia, prima a salvaguardare la sua indipendenza e poi a riacquistare la sua libertà; ed accanto ad essi e per i loro stessi ideali caddero tanti soldati italiani. Dopo la lotta cruenta venne quella per la ricostruzione e la ripresa economica del Paese, ed anche in quella occasione il popolo italiano potè largamente giovarsi dell'aiuto americano.

E come tacere della nostra costante, intensissima collaborazione che si svolge in tutti i campi? E come tacere, nel quadro di questa collaborazione, del grande significato che hanno per entrambi, per esempio, nomi come quello di Enrico Fermi?

E ci unisce profondamente il comune ideale di libertà, per il quale abbiamo entrambi acquistato la nostra stessa esistenza nazionale.

Quando giunsi in questo Paese per la prima volta, una delle maggiori impressioni che provai fu quella di constatare che qui noi Italiani non ci sentiamo stranieri. La vibrante e forte anima dell'America ci attira a sè immediatamente e direi quasi inconsciamente. Il popolo italiano ammira altresì nell'America le sue solide doti morali: da una parte, un indistruttibile senso dell'eguaglianza, della giustizia nella libertà; dall'altra le sue solide doti di concretezza e di volitività.

Tutto ciò fa sì che l'America ha assunto un ruolo di immensa importanza nell'attuale fase storica, decisiva per le sorti dell'umanità. Essa è oggi molto più di una Nazione, è una immensa forza morale, è la migliore garanzia della pace, della libertà nel mondo. A queste cose ho pensato con profonda emozione or ora nel raccogliermi riverente sulla tomba del vostro Soldato Ignoto e su quella del Presidente Kennedy, al quale consentitemi di rivolgere il mio riverente pensiero. Egli aveva raccolto attorno a sè il consenso di popoli vicini e lontani, tutti accomunati dalla volontà di difendere il bene supremo della libertà, di un più armonico sviluppo sociale e di una pace vera e giusta.

Ricorderò di John Kennedy una sola enunciazione, che mi sembra essenziale e che mi pare dia la più alta e nobile giustificazione alla vocazione storica del vostro grande Paese:

"* * * i vari elementi della nostra politica estera tendono ad un unico obiettivo: quello di un mondo pacifico, composto da Stati liberi e indipendenti. Questa è la nostra direttiva essenziale per il presente; questa è la visione che noi abbiamo del futuro: una libera comunità di Nazioni indipendenti ma interdipendenti, che unisca nord e sud, est e ovest, in una unica grande famiglia umana, superando e trascendendo gli odii e le paure che travagliano la nostra epoca.

"Noi non raggiungeremo questo obiettivo oggi o domani. Non lo raggiungeremo forse durante il corso della nostra vita, ma la sua ricerca rappresenta la più grande impresa del secolo. * * *"

Il concetto della libertà non vuole essere—nè per voi, nè per noi—un concetto filosofico od astratto. Esso deve tradursi in concreto in una più profonda e cristiana giustizia sociale, in una più armonica partecipazione di tutti i cittadini sia alle responsabilità della società, che ai frutti del suo sviluppo. Per questo, noi ricordiamo con emozione e con gratitudine i patrioti che in anni duri e recenti hanno operato per restituire l'Italia alla democrazia. In questo spirito noi stiamo dando la nostra opera oggi, per ottenere il più largo appoggio democratico all'azione di progresso che intendiamo svolgere nell'interesse del Paese e del suo rapido ed ordinato sviluppo economico, e sopratutto sociale.

E poichè so con quanto amichevole interesse l'attenzione vostra si soffermi sui problemi dell'Italia, posso rilevare, senza dovervi citare dati statistici, il costante progresso della sua produzione, la correzione di taluni squilibri, particolarmente regionali, nel campo agrario, attraverso l'avvenuta attuazione di misure di riforma, l'aumento del livello di vita, lo sviluppo dei suoi scambi internazionali. Certamente il mio Paese affronta taluni problemi di congiuntura che richiedono la più vigile attenzione, una migliore distribuzione del reddito per investimenti e consumi, una sana politica dei prezzi, un raggiustamento della bilancia commerciale. Questi problemi esistono e nel riconoscerne francamente l'esistenza noi implichiamo già la nostra volontà di risolverli. Siamo del resto in grado di risolverli da soli, e pertanto ve ne parlo non per chiedervi aiuto, ma perchè è ovvio che fra amici si parli francamente dei problemi rispettivi.

L'Alleanza Atlantica, che unisce con un saldo vincolo i nostri due Paesi, nacque dalla comune determinazione di difendere, prima ancora che un territorio, le nostre libertà e l'intera nostra concezione della vita.

Essa ha dimostrato di essere la migliore salvaguardia della pace e se noi oggi possiamo guardare con una certa fiducia alla possibilità di riprendere un effettivo dialogo mondiale sui problemi della pace e della convivenza dobbiamo questo risultato agli sforzi ed ai sacrifici finora compiuti, alla nostra determinazione comune di non cedere all'aggressione.

L'Alleanza ha visto mutare, in un periodo di così rapida evoluzione tecnologica, i mezzi di cui essa deve disporre per la sua difesa: il che comporta un ripensamento della strategia comune e dei compiti affidati ad ognuno dei suoi membri. L'adeguamento dei mezzi e dei metodi alle necessità tecnologiche e quindi militari ha un'enorme importanza a cui l'Italia dedica tutta la necessaria attenzione e sul quale, come vi è noto, essa mantiene i più stretti contatti con gli Stati Uniti e con gli altri Paesi alleati.

L'Alleanza ha visto anche trasformarsi totalmente le condizioni economiche e sociali dei Paesi che ne fanno parte. Conclusa in un momento in cui le Nazioni europee erano appena uscite—dissanguate, immiserite e profondamente sconvolte—dal secondo conflitto mondiale, essa non può non tener conto del fatto che in questi quindici anni, grazie anche agli aiuti americani e salvaguardando sempre la libertà, gli Stati europei hanno raggiunto una notevole stabilità ed hanno ottenuto ritmi di sviluppo economico-sociale che non hanno precedenti nella storia del nostro vecchio Continente.

Posso dirvi che ognuno di noi è conscio che l'Alleanza Atlantica è lo strumento, ancor più che utile, necessario ed essenziale per la difesa del comune patrimonio di civiltà ed è un elmento fondamentale del nostro progresso

economico e sociale. Come tale, essa non è un espediente transitorio, ma è destinata, al contrario, a restare un fattore permanente della politica mondiale, anche nel caso che, come noi tutti desideriamo ardentemente, si possa giungere ad una diminuzione sostanziale dei pericoli che hanno gravato su di noi negli anni scorsi e anche nel caso che si possa iniziare un dialogo nuovo, ampio e fruttuoso fra gruppi di nazioni animate da diverse ideologie.

L'esperienza degli scorsi anni ha dimostrato d'altra parte nel modo più esauriente l'efficacia di questo strumento. Essa ha anche ampiamente provato che i problemi della difesa—come quelli del disarmo e degli aiuti ai Paesi più giovani—non si possono più concepire in termini unicamente nazionali, ma che occorre invece farvi fronte attraverso una più vasta e compatta organizzazione ed attraverso una collaborazione piena, senza riserve e senza egoismi, dei Paesi che credono nel metodo democratico.

A questi fattori—(globalità dell'-Alleanza, evoluzione delle tecniche militari, ricostruzione europea)—deve essere attribuita la ricerca di nuove formule che tengano conto più esattamente dell'-evoluzione che si è verificata, nei rapporti fra i membri del Patto e nella situazione dei singoli Paesi, nel corso degli ultimi quindici anni, formule che trovano del resto i loro punti di partenza ed il quadro entro cui potranno svilupparsi nello stesso Patto Atlantico.

Credo che si debba dir subito—e che risulti anche, del resto, dai pochi cenni che ho fatto finora—che l'evoluzione storica porta necessariamente ad un moltiplicarsi dei rapporti fra gli Stati Atlantici, ad un rinsaldarsi dei loro legami in ogni settore, ad una sempre maggiore intimità dei loro contatti. In altre parole, il fatto che l'Alleanza è un elemento essenziale per la difesa della nostra civilà ed il conseguente sviluppo delle relazioni, in tutti i campi, fra i vari suoi membri, portano ad intravvedere, in un futuro più o meno lontano, la costituzione di un'organizzazione solida e permanente, formata da Stati con simile struttura pratica morale e sociale; e cioè di una vera e propria Comunità Atlantica, che è già nello spirito dell'art. 2 del Trattato, che già ci impegna.

Come si può pervenire a tale meta che io ritengo fondamentale? Mi pare che, a questo proposito, si possano immaginare due vie. La prima consiste nel fare ogni sforzo per giungere, senza forme o gradi intermedi, alla costituzione di istituzioni governative e parlamentari, che raggruppino paesi siti sulle due rive dell'Atlantico. La seconda consiste nel cercare di giungere a tale comunità attraverso la graduale fusione, in seno all'Alleanza, di gruppi di stati in entità politiche di maggiore estensione.

È facile constatare che un processo unitario, che investe un così grande numero di stati, quanti sono i membri dell'Alleanza, non può svolgersi che con grande lentezza e con grandi difficoltà, se non si immaginino e se non si propongano delle tappe o degli stadi intermedi.

Più realistica sembra, quindi, la seconda via, che prevede successivi stadi di amalgamazione fra paesi di struttura più affine: ed è proprio tale via quella additata dal Presidente Kennedy nel suo discorso di Filadelfia, quando egli parlò per la prima volta di una "partnership" atlantica fra uguali, propugnando un'-associazione atlantica basata su due pilastri fondamentali: da una parte, l'America, dall'altra parte, l'Europa unita.

È questo messaggio che noi riteniamo debba essere attuato: ed in esso noi intendiamo che debbano essere inquadrati gli sforzi, che da vari lustri stiamo compiendo, per la costruzione di un'-Europa democratica, e, secondo l'espressione oggi consueta, "aperta." Tale Europa, anch'essa, potrà realizzarsi in fasi successive, e con crescente estensione; ma al termine del suo movimento tendenziale, è chiaro che essa deve comprendere tuti i popoli che sono stati attori, per secoli, del dramma del mondo occidentale, dall'Inghilterra fino ai confini oltre ai quali l'uomo non è egli-stesso l'autore del proprio destino, ma l'esecutore di programmi impostigli dall'esterno.

Quando noi pensiamo all'Europa—oggi—e quando vi abbiamo pensato ieri, anche sulle orme dei grandi italiani che ci hanno preceduto—Alcide de Gasperi e Carlo Sforza—noi non pensiamo a qualcosa che si debba staccare dall'-America. Pensiamo invece che, proprio per giungere ad una integrazione più profonda in seno all'Alleanza, per giungere cioè ad una Comunità Atlantica, occorre al più presto realizzare la "partnership" atlantica: e cioè costituire, in seno all'Alleanza Atlantica, un'Europa unita.

Una simile Europa unita è necessaria per ragioni di stabilità ed equilibrio: è necessaria perchè i problemi maggiori della nostra epoca trascendono le possibilità nazionali; è necessaria per difendersi; è necessaria per il più completo sviluppo di quelle energie e di quei mezzi che virtualmente possiede il nostro antico Continente. Noi tendiamo da tempo, con tenace impegno e con successo, all'integrazione economica dell'Europa attraverso il Mercato Comune. Ma, se l'Europa vuole rafforzarsi, conservare la sua funzione ed essere all'altezza dei suoi compiti nell'-epoca in cui viviamo, essa deve unirsi anche politicamente: un'Europa divisa non tarderebbe a divenire sorpassata ed anacronistica.

Nella nostra concezione, dunque, Alleanza Atlantica, partnership atlantica a Comunità Atlantica sono elementi intimanente connessi. L'Alleanza, infatti, è la realtà odierna, che ci unisce e che favorisce l'unificazione europea. La partnership atlantica è un seconda passo, e l'unità europea è il presupposto necessario per poterlo compiere. Ma l'Europa che noi vogliamo creare è un'-Europa legata all'America da vincoli indissolubili di interdipendenza, di lealtà e di solidarietà, vincoli che devono unire i popoli che vivono attorno al Mediterraneo della nostra era—l'Oceano Atlantico—e che devono preludere alla costituzione della più grande società dei popoli liberi—la Comunità Atlantica.

All'opera di rafforzamento dell'Alleanza deve corrispondere, appunto per gli scopi che tale organizzazione persegue, una instancabile azione tendente al chiarimento dei rapporti tra Oriente ed Occidente, al risanamento dell'atmosfera internazionale, alla ricerca di una maggiore reciproca fiducia ed alla diminuzione dei rischi di guerra. Non vi è dubbio che soltanto l'Alleanza Atlantica, in tutta la sua saldezza, può avere l'autorità necessaria per impostare un dialogo costruttivo con il mondo comunista.

L'impegno della nostra politica è anche rivolto alla soluzione pacifica e concordata dei problemi internazionali ancora aperti. In questa prospettiva l'Italia continuerà ad appoggiare attivamente l'autorità e l'opera delle Nazioni Unite, che noi consideriamo la sede in cui i più importanti problemi del mondo, possono trovare la loro pacifica e più giusta soluzione.

La partecipazione all'Alleanza e la coscienza della comune appartenenza alla civiltà occidentale—a cioè, alla civilta' cristiana—sono per ogni paese impegni solenni di progresso: sono l'impegno di promuovere all'interno di ogni nazione lo sviluppo economico e sociale, di tutelare e sviluppare le libertà individuali; sono l'impegno di assistere altri paesi che più ne abbiano bisogno, senza distinzione di continente, di razza o di religione, senza porre condizioni politiche. Questo impegno di progresso può consentire agli Stati singoli di svolgere un'opera che trascende le loro dimensioni e può dare ad ognuno di essi una vera grandezza.

L'Italia è consapevole dello spirito di conciliazione e della fermezza guidano gli Stati Uniti, e sa che la grande Nazione democratica—che voi nobilmente rappresentate e di cui esprimete la volontà—sente l'esigenza di un'aperta e continua consultazione tra gli Alleati per la determinazione delle linee essenziali da seguire nel dialogo tra Oriente ed Occidente.

Il Presidente Johnson ha recentemente pronunciato, dinanzi all'Assemblea delle Nazioni Unite, alcune, nobili parole, che vorrei rivordare oggi:

So devo oggi prendere un impagno dinanzi a voi, l'impegno che più mi preme di prendere è quello, fermissimo, di mantenere e di consolidare la pace. La via della pace è lunga mille miglia e dev'essere percorsa passo per passo.

Sono parole che condividiamo in tutto il loro profondo significato.

Ho recordato i continui e rinnovati fermenti ideali che ci hanno unito e che uniscono. Noi siamo convinti che questi fermenti innovatori della rispettive societa' nazionali non sono fenomeni isolati, ma fanno parte di un unico processo evolutivo della societa' umana. Siamo convinti che ogni popolo aspira a darsi istituzioni libere e democratiche. Nella decisiva competizione tra Oriente ed Occidente, che e' il segno del nostro tempo, noi non abbiamo dubbi sul fatto che l'unione dei popoli si formera' armonicamente attorno ai valori della nostra

comune civiltà, valori che abbiamo il compito e la volonta' di difendere.

Questi sono i principii ed i programmi nei quali abbiamo fede. Questi sono i vincoli che uniscono la famiglia dei popoli occidentali, ed in particolare—ne sono fermamente convinto—l'Italia e gli Stati Uniti

Se la libertà è—come noi crediamo—il fermento più vivo della civilta' odierna e se essa si incarna, più' profondamente che in qualsiasi altra, nella nostra società occidentale, i frutti della nostra amicizia e della nostra cooperazione saranno certamente importanti.

[Applause, the Members rising.]

(The translation of the address as delivered by President Segni is as follows:)

President SEGNI. Mr. Speaker, Mr. President, Members of Congress, I am deeply gratified to have the honor to speak in this great Hall—where the voices of the United States' greatest statesmen have been raised in exhortation and warning in the most serious hours of history—and to address myself to this noble assembly, as the bearer of the brotherly salute of the Italian people. [Applause.]

The brotherhood which unites our two nations has profound roots: on the one hand, the worthy men who by their ideals and actions created the American Nation, often found inspiration in the principles of classical law, philosophy, and literature. On the other hand, the ideals and deeds of the American Revolution drew the admiration of the men who were to initiate the Italian Risorgimento. Therefore, it can be said with assurance that between Washington and Garibaldi, Jefferson and Mazzini, Hamilton and Cavour flows a stream of ideals that unites them all. [Applause.]

For many decades, several million Italians have come to these hospitable shores bringing their faith, their moral principles, their ingenuity, and their will, to be assimilated in the grand crucible of peoples that is America, and to become an important component of this Nation.

Twice in this century, American soldiers offered their lives for my country: first to protect her independence, and later to help restore her freedom. Many Italian soldiers fell by their side in the name of the same ideals. This blood-stained struggle was followed by another for the reconstruction and economic recovery of the country, and once again the Italian people benefited from American assistance.

How can we overlook our mutual, constant, and close cooperation in all fields of endeavor? How can we forget, within the framework of this cooperation, the great significance that names such as that of Enrico Fermi have for both of our countries?

And we are strongly bound by the common ideals of liberty in whose name we both acquired our national existence. [Applause.]

When I came to this country for the first time, one of my strongest impressions was that here we Italians are not strangers. America's lively and vigorous soul has for us an immediate and almost subconscious appeal. The Italian people admire the strong moral qualities of America: on the one hand, her indestructible sense of equality and justice in freedom; on the other, her qualities of vigor and purposefulness.

America has, as a result of all this, assumed a role that, in the present historical circumstances, is of immeasurable importance and is decisive for the future of mankind. Today, she is more than a nation; she is a gigantic moral force, the best guarantor of peace and freedom in the world. [Applause.]

These are the profoundly moving ideas which captured my mind while I meditated before the Tomb of your Unknown Soldier and that of the late President Kennedy, to whose memory permit me to turn my thoughts reverently. He had obtained the consensus of all peoples, near and far, united in the determination to defend the supreme gift of liberty, to foster a more harmonious social progress, and to achieve a true and just peace.

May I recall a single statement by John F. Kennedy which seems essential and representative to me of the highest and noblest vindication of the historical vocation of your great country:

> These various elements in our foreign policy lead to a single goal—the goal of a peaceful world of free and independent states. This is our guide for the present and our vision for the future—a free community of nations, independent but interdependent, uniting north and south, east and west, in one great family of man, outgrowing and transcending the hates and fears that rend our age. We will not reach that goal today or tomorrow. We may not reach it in our own lifetime. But the quest is the greatest adventure of our century.

[Applause.]

The concept of liberty is not a philosophical and abstract one for either of us. It is a concept that must be concretely translated into a more profound and Christian social justice, into a more harmonious participation of all citizens in the responsibilities of their society as well as in their fruitful developments. This is why we recall with emotion and gratitude the patriots who in recent and difficult years labored to restore Italian democracy. Today, in this spirit we are endeavoring to secure a wider democratic support to the forward effort which we intend to carry out in the interest of the country and of its speedy and orderly economic and, above all, social progress.

Since I am well aware of the friendly interest you dedicate to Italy's problems, I can state—without mentioning statistical data—the constant increase in her production, the leveling of certain imbalances, particularly in regional agriculture, by means of the already implemented land reform, the improvement of her living conditions, the development of her international trade. Undoubtedly, my country faces some problems connected with the present economic phase which demand the most vigilant care: a better distribution of income both for investment and consumption, a sound price policy, and a readjustment of the balance of trade. These problems exist, and by frankly recognizing their existence we already bend our will to their solution. We are, after all, capable of solving them with our own means and, therefore, I can mention them to you, not to ask for your assistance, but rather because, among friends, it is natural to talk about mutual problems. [Applause.]

The Atlantic alliance, which firmly binds our two countries, was born of the common determination to defend, not only a territory, but our liberty and our way of life.

The Atlantic alliance has proved itself to be the best safeguard of peace. If today we are capable of looking with a certain degree of confidence toward the possibility of resuming an effective international dialog on the issues of peace and coexistence, we owe this result to the efforts and the sacrifices we are making even to this day, as well as to our common determination to resist aggression.

The alliance has witnessed—in a time of such swift technological evolution—the alteration of the means on which it must rely for its defense. This brings, as a consequence, the need for a revaluation of the common strategy, as well as of the task entrusted to each of its members. The adaptation of the means and the systems to the technological and, therefore, military demands of today is a problem of the utmost importance, to which Italy devotes all the necessary attention while keeping in constant touch—as you well know—with the United States and other allied countries.

The alliance has also witnessed a complete transformation of the economic and social conditions of its member countries. Created at a time in which the European nations had just emerged from World War II—drained, impoverished, and deeply perturbed—the alliance cannot overlook the fact that in the course of the last 15 years—thanks also to U.S. assistance, and always safeguarding freedom—the European states have achieved a remarkable stability and have attained a rate of economic and social development unprecedented in the history of our old Continent.

I can say with assurance that all of us are conscious that the Atlantic alliance is a necessary and fundamental instrument, rather than only a useful one, for the defense of our common inheritance of civilization, as well as a basic element of our economic and social progress. As such, the alliance is not a passing experiment. On the contrary, it is meant to remain as a permanent element of world policy, even in the event—as we all fervently hope—we may reach a substantial reduction of the dangers that have confronted us during the past years, and even in the event that we may initiate a new, wide, and fruitful dialog between groups of nations inspired by diverging ideologies.

On the other hand, the experience of the past years has unequivocally proved the effectiveness of that instrument. It has also amply confirmed that the problems of defense—like those of disarmament and those of assistance to the younger countries—can no longer be conceived exclusively in national terms, but rather must be faced through a wider and more unified organization and through a full, unreserved, and unselfish

cooperation of the countries which believe in the democratic process. [Applause.]

To these factors—globality of the alliance, evolution of military techniques, European reconstruction—we must ascribe the search for new formulas that should hold in due consideration the evolution that has taken place in the relations between the members of the Atlantic Pact and in the situation of individual countries in the course of the past 15 years: formulas which, in fact, find their inception and the framework for their development within the very same Atlantic Pact.

I believe it must immediately be stated—and I trust this is apparent from my previous remarks—that historical evolution necessarily carries with it an intensification of the relations between the Atlantic states, a strengthening of their ties in every field, an ever increasing closeness of their contacts. In other words, the fact that the alliance is an essential factor in the defense of our civilization and the consequent development of relations in all fields between its members allows us to conceive at some future date the creation of a solid and permanent organization formed by the countries having a substantially similar moral and social structure; that is, a true Atlantic Community, as it is in the spirit of article 2 of the treaty which already binds us.

How can we meet this goal which I consider of basic importance? It seems to me that there are two roads to be considered. The first consists in making every effort to attain, without intermediate structures or stages, the creation of governmental and parliamentary institutions grouping together countries located on both shores of the Atlantic. The second consists in an attempt to create this community through the gradual fusion of groups of states within the alliance into larger political entities. [Applause.]

It is easy to realize that a unification process affecting such a great number of states, as are the members of the alliance, can only take place at a very slow pace and with great difficulties, unless we envisage or propose intermediate stages or steps.

The second solution, therefore, seems more realistic since it foresees subsequent phases of amalgamation of countries more similar in structure: and this is the very road indicated by President Kennedy in his Philadelphia speech of July 4, 1962, when he first mentioned an Atlantic partnership of equals, advocating an Atlantic association based upon two main pillars: America on one side, a united Europe on the other.

This is the program we believe must be implemented. Within this frame we intend to set the efforts that we have been making for many years to build a democratic Europe and, as it has come to be known in our times, an open one. This Europe, too, can be created through subsequent phases and with increasing extension; but, at the conclusion of its development, it is clear that it must include all the peoples that, through the centuries, have been the actors in the drama of the Western World, from Great Britain to the ultimate border beyond which man is no longer the author of his own destiny, but the executor of programs imposed upon him from the exterior.

When we think of Europe today, and when we thought of Europe yesterday, following the steps of the great Italians who preceded us—Alcide De Gasperi and Carlo Sforza—we do not think of something that should be severed from America. On the contrary, we believe that, precisely in order to achieve a deeper integration within the alliance; that is, an Atlantic Community, we must as soon as possible create the Atlantic partnership; and therefore create, within the Atlantic alliance, a united Europe. [Applause.]

A Europe thus united is necessary for stability and balance. It is necessary because the major problems of our times transcend national possibilities. It is necessary for our defense. It is necessary for the complete development of the energy and means which essentially belong to our old Continent. For some time we have been aiming, with dedication and success, at the economic integration of Europe through the Common Market. But if Europe wants to be strengthened, if it wants to maintain its role and be equal to its tasks in the times in which we live, it must also unite politically: A divided Europe would rapidly become anachronistic and outdated. [Applause.]

In our view, therefore, the Atlantic alliance, the Atlantic partnership and Atlantic unity are intimately related elements. The alliance is, in fact, the reality of today which holds us together and favors European unification. The Atlantic partnership is a second step and European unity is the necessary premise to carry out this step. But the Europe we want to create is a Europe tied to America by indissoluble bonds of interdependence, of loyalty and solidarity, bonds which must unite the peoples that live around the Mediterranean of our era—the Atlantic Ocean—and that must foreshadow the creation of the greatest society of free peoples: The Atlantic Community. [Applause.]

The task of reenforcing the alliance, in view of its goal, must parallel a relentless action for the clarification of East-West relations, for the improvement of international climate, for the search of a greater mutual trust, and for the decrease of the risks of war. There is no doubt that only the Atlantic alliance, in all its firmness, can have the necessary authority to begin a constructive dialog with the Communist world.

Our policy is also pledged to peaceful and agreed upon solutions of pending international problems. In this perspective, Italy will continue actively to support the authority and the work of the United Nations, which we consider the forum in which the world's most important problems can find their peaceful and just solution. [Applause.]

Our participation in the alliance and the consciousness of belonging to Western civilization, that is, Christian civilization, are solemn pledges of progress for all countries: they are the pledges to foster within each nation economic and social development, to protect and expand individual freedom, to offer assistance to other countries which are in need, without distinction to continent, race, or creed, without setting political conditions. This pledge of progress may allow each country to carry out a task transcending its size and may give to each of them a true greatness. [Applause.]

Italy is conscious of the conciliatory and firm spirit which guides the United States and knows that the great democratic Nation which you so gallantly represent and whose will you express, feels the need for an open and continuous consultation between the allies to determine the essential paths which are to be followed in the dialog between East and West.

President Johnson has recently said, before the United Nations Assembly, a few words which I would like to recall today:

> If there is one commitment more than any other that I would like to leave with you today, it is my unswerving commitment to the keeping and to the strengthening of the peace. Peace is a journey of a thousand miles and it must be taken one step at a time.

We thoroughly share the profound meaning of these words. [Applause.]

I have recalled the constant and renewed leavening of ideals which united us in the past and join us today. We are convinced that these innovating trends in various national communities are not isolated phenomena, but rather are part of the evolutionary process of human society. We are convinced that all the peoples look forward to attaining free and democratic institutions. In the decisive struggle between East and West, which is the mark of our era, we do not doubt that the union of all peoples will develop harmoniously in accordance with the values of our common civilization—the values which we take as our task and our will to defend. [Applause.]

These are the principles and the programs in which we believe. These are the ties which unite the family of Western peoples and especially—of this I am firmly convinced—Italy and the United States. [Applause.]

If freedom is, as we do believe, the strongest leaven of today's civilization, and if it is embodied in our Western society more deeply than in any other, the outcome of our friendship and our cooperation will certainly be meaningful. [Applause, the Members rising.]

At 12 o'clock and 58 minutes p.m., the President of the Italian Republic, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order: The members of the President's Cabinet, the Ambassadors, Ministers, and chargé d'affaires of foreign governments.

The SPEAKER. The joint meeting of the two Houses is hereby dissolved.

Accordingly, at 1 o'clock p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

AFTER RECESS

The recess having expired, at 2 o'clock p.m., the House was called to order by the Speaker.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that these proceedings be printed in Italian as well as in English.

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

There was no objection.

UNEMPLOYMENT

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. JOELSON. Mr. Speaker, unemployment is a national problem which cannot and must not be ignored.

It is saddening to see a friend and neighbor who is advancing in age lose his job after years of fruitful employment. Nothing is more damaging to the morale of the head of a family than to be unable to find work when he is willing and eager to do so.

If we are to take up the slack in employment caused by automation and reduced defense spending, we must show concern and take action. There is no easy solution, but the economy must be stimulated. We must now consider Government spending for peacetime purposes such as homes, schools, and hospitals. This will not only provide needed facilities, but will make jobs.

I consider unemployment to be a challenge to our way of life, and I intend to support measures designed to combat this great waste of human resources.

CONSTRUCTION OF A NEW CANAL IN CENTRAL AMERICA

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

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

There was no objection.

Mr. BRAY. Mr. Speaker, the recent crisis in our relations with the Republic of Panama and the threat to our position in the Canal Zone point up again the need for urgent consideration of this whole problem.

The canal has been inadequate for years. Some larger ships, including our aircraft carriers and tankers, cannot get through the canal, and the traffic presents many problems and delays.

For many years there have been advocates of a new canal located in Nicaragua. There are several practicable routes in Nicaragua. Some of them would take advantage of two natural lakes. It would also be possible to build a sea level route through Nicaragua, which would be much easier to defend and maintain, once constructed.

There would be problems in the construction of a new canal, and it might not answer all of our needs. It assuredly would be an improvement.

It is interesting that despite their repeated demands and protestations the Panamanian officials have said that they want any new canal to be built on their territory. Frankly, in view of recent problems there, we would be foolish to consider the construction of a new canal in Panamanian territory.

The events of last week should greatly accelerate our consideration of this matter. Continued operation of a canal in Central America to link the Atlantic with the Pacific is of vital importance to the United States, to the prosperity of Central America, and to the free world. To create a new canal free from the blackmail demands of Castroites is a welcome prospect.

PROPOSED STATEHOOD FOR PANAMA

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

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, a peace of the world that can be destroyed by schoolchildren is indeed a most tenuous sort of peace. It seems to me that we cannot do without the Panama Canal. Under the shipping rates of the world, we cannot afford to have anyone else set the tolls through the Panama Canal. I propose that we really take a bold step. I see no real reason, except for nationalism in Panama, for our not offering Panama statehood. I suggest that we offer statehood to Panama. Let us fly one flag, use one army, and that the flag and Army of the United States, with Panama a State. Let us guarantee the safety of the canal forever.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 7]

Addabbo	Harvey, Mich.	Norblad
Anderson	Hébert	O'Brien, Ill.
Andrews, Ala.	Herlong	O'Hara, Mich.
Aspinall	Hoffman	O'Konski
Baring	Holifield	Pepper
Barry	Holland	Philbin
Bass	Hosmer	Pillion
Becker	Johansen	Pirnie
Bell	Jones, Ala.	Powell
Blatnik	Kee	Pucinski
Bromwell	Kelly	Rains
Buckley	Keogh	Randall
Cameron	Kluczynski	Rhodes, Ariz.
Cederberg	Laird	Riehlman
Clancy	Landrum	Rivers, Alaska
Cohelan	Lankford	Rostenkowski
Collier	Leggett	Roybal
Davis, Tenn.	Lesinski	Saylor
Dawson	Lloyd	Schneebeli
Denton	McIntire	Schwengel
Diggs	MacGregor	Sheppard
Donohue	Martin, Calif.	Sibal
Everett	Martin, Mass.	Sickles
Fogarty	Mathias	Smith, Iowa
Frelinghuysen	Matsunaga	Staebler
Fulton, Pa.	May	Taft
Garmatz	Michel	Thompson, La.
Gary	Miller, Calif.	Thompson, N.J.
Gill	Milliken	Wickersham
Gubser	Moorhead	Willis
Hagen, Calif.	Morrison	Wilson, Charles H.
Halleck	Morton	
Harsha	Murray	

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

STAFFING COMMUNITY MENTAL HEALTH CENTERS

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

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

There was no objection.

Mr. RYAN of New York. Mr. Speaker, mental illness has been called the Nation's most serious health problem. Half our hospital beds are occupied by mental patients; and the direct cost of caring for the mentally ill, mostly in State mental institutions, has been estimated at $2 billion annually. The loss to the economy in terms of wages and productivity because of mental illness is incalculable.

President Kennedy was well aware of the importance of the mental health and mental retardation problem. As a result of his concern, President Kennedy sponsored the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, which was enacted last session.

Title II of this act, which provides for the construction of community mental health centers, is one of the most important provisions. Unless these centers are constructed and properly staffed, we will not be able adequately to meet the critical problem of mental illness. It is unfortunate that the staffing provisions of the original administration proposal were not included in the bill which the House passed.

The need for Federal assistance in staffing the centers is evident in the conditions prevailing in State mental institutions as outlined in House Report No. 694 on the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 on page 11:

> Only a small percentage of the institutions can be said to be therapeutic and not merely custodial. In 1959, there were less than 1,000 psychiatrists employed in caring for the more than half a million people in State mental institutions—or less than 1 psychiatrist for 500 patients. According to the standards of the American Psychiatric Association, the State mental institutions are only 20 percent adequately staffed with nurses, 35 percent with social workers, 65 percent with psychologists, and 45 percent with psychiatrists.

Mr. Speaker, today I have introduced a bill to provide grants-in-aid to assist the States to staff community mental health centers constructed under the Community Mental Health Centers Act. This bill would enact the original provisions which were omitted by the House Committee on Interstate and Foreign Commerce. In view of the crucial problem of mental illness, I hope that we can take another major step this session by adopting it.

REPRESENTATION OF INDIGENT DEFENDANTS

Mr. ROGERS of Colorado. Mr. Speaker, pursuant to House Resolution 579, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7457) to provide legal assistance for indigent defendants in criminal cases in U.S. courts.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7457, with Mr. NIX in the chair.

The Clerk read the title of the bill.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the House has under consideration the bill (H.R. 7457) to provide legal assistance for indigent defendants in criminal cases in U.S. courts.

The right of representation by counsel is fundamental in our judicial system. Many States have some form of public defender systems, and others have a system of individual assignment to indigent defendants. The Supreme Court of the United States some time ago, in 1938, in fact, set aside convictions where men were not represented in court. This has developed a problem that must be met if we are to carry out our judicial system.

Since that time the Judiciary Committees of the House and of the other body have had a number of bills introduced and at various sessions hearings have been held on the question of the appointment and payment of counsel for indigent defendants. The present Federal system does not permit the payment of counsel assigned by the judge to represent the defendant. This has worked a hardship on both the legal profession and those charged with crime. Just how to best meet this problem has been resolved, at least temporarily, as far as the House Committee on the Judiciary is concerned, in its report on the bill H.R. 7457.

This is a method whereby the respective district courts may provide a list of those who should be capable of representing defendants in indigent cases. When a man is charged with a crime and brought before a commissioner, or before a judge, he can then disclose whether or not he has counsel and, if he does not have counsel, what opportunity he may have to secure sufficient money to be properly represented.

The bill, H.R. 7457, provides that whenever this list has been prepared by the district judge and a man is arrested for a crime and brought before a U.S. Commission, he is then afforded an opportunity to have counsel appointed for him under this system.

This system also provides that a list of lawyers of bar association or a legal aid association may also be used to furnish trained lawyers to defend indigent defendants.

This bill provides that if that arrangement is carried out, then the court is authorized under the procedure to pay for this service to that association. The amounts are fixed in this bill. That is to say, if a man is selected to represent an indigent defendant after the defendant has convinced the commissioner or the judge that he does not have money to pay for a lawyer, then the lawyer assigned shall receive the sum of $10 an hour while he works on the case outside of court, and he will get the additional sum of $15 an hour when he appears in court.

Under this setup, the defendant is then assured of adequate representation. There is a further provision in this bill which would authorize the judge, when in his opinion the assigned counsel is in need of technical or expert assistance in the nature of witnesses or handwriting experts and investigative service—the court is authorized to appoint men in those fields to assist the counsel for the defendant.

Mr. Chairman, that briefly describes the contents of this bill. I may say that originally, part of the testimony before the committee was that the best system would be as provided in the Senate bill which was heretofore approved. That system set up a public defender system for respective districts under certain circumstances, it usually being the intention to set up the public defender with an office therein for a full-time job; and this office would be approved by the circuit court. The House Committee on the Judiciary did not feel, at least as its feeling was expressed by vote, that this was a proper system. They did not adopt it, but instead reported H.R. 7457, which is now before the House.

The cost in connection with the operation of this proposed legislation is not certain. We can readily understand why it would not be certain, because we do not know how many indigent defendants there may be. It is estimated that approximately 25 to 30 percent of the individuals charged with crime will be indigent defendants. If that figure is accurate, then 25 or 30 percent of all the men brought before the Commission or before the judge will have counsel assigned to them.

Should it develop that a defendant perhaps has sufficient money to pay for a lawyer to start his case, and then runs out of money, there is a provision in the bill that the court would then be authorized to appoint a lawyer for him.

The estimate of the cost, as I indicated a moment ago, is uncertain. However, it is believed that under the system under which there would be full-time salaried public defenders the cost would have been approximately $3.5 million a year.

The only way we shall be able to carry out the mandate of the Supreme Court of the United States is to adopt some system which will assure an individual the right to be represented by counsel from the time he is charged with a crime.

In the enforcement of our criminal laws we cannot afford to take a chance of a man not being adequately represented, which might cause a court to set aside his conviction. Therefore, I believe it is in the best interests of the Nation that we adopt this proposed system, to make certain that those who are charged with crimes will be adequately represented before a court.

I urge Members to support this proposed legislation.

Mr. POFF. Mr. Chairman, I yield 25 minutes to the distinguished gentleman from West Virginia [Mr. MOORE], the author of the pending bill.

Mr. MOORE. Mr. Chairman, I rise in support of H.R. 7457. This bill provides a well-reasoned and effective means of affording legal assistance for indigent defendants in criminal cases in U.S. courts.

Upon enactment of H.R. 7457, every defendant, charged with a Federal crime, who is financially unable to obtain counsel and who does not waive the right to counsel, shall have counsel appointed or assigned to him by the U.S. Commissioner or judge before whom he appears.

The 87 judicial districts and the District of Columbia, in complying with H.R. 7457, are authorized to appoint counsel for indigent defendants who are in private practice. These counsel will be chosen from a panel of attorneys established by the district judges. By this means, no one attorney will be required to shoulder an undue burden and qualified representation will be assured to indigent defendants. In addition, the panel system will safeguard the appointment of skilled counsel by U.S. Commissioners. Since many Commissioners are not attorneys themselves and do not frequently have the high degree of expertise in criminal cases as district court judges, the requirement that a Com-

missioner select an attorney from a panel prepared by the judge will assure effective representation.

Under the provisions of H.R. 7457, the judicial districts may assign counsel to indigent defendants who have been made available by a local bar association or local legal aid society.

As will be discussed more fully below, this choice will be of particular value in those districts where the services of legal aid societies and bar associations are being regularly utilized today. Moreover, in those cases where conflicting interests of two or more codefendants require the appointment of separate counsel, the use of both appointed and assigned counsel will prove beneficial. In the interests of justice, the Commissioner or court may also substitute appointed or assigned counsel at any stage of the proceedings.

Counsel shall be appointed to represent an indigent defendant at every stage of the proceedings from initial appearance before the U.S. Commissioner or court through appeal. Where a defendant initially has retained his own attorney and then becomes impecunious, the court is authorized to appoint or assign counsel at such subsequent state. Moreover, if counsel is initially appointed or assigned and then the court discovers that the defendant is financially able to obtain counsel or to make partial payment for representation, the court may terminate the appointed or assigned counsel, or require that the defendant meet a portion of the cost of counsel.

At the conclusion of the representation or any segment thereof, the district court—in behalf of itself and the Commissioner—or the court of appeals shall compensate appointed or assigned counsel at the rate not to exceed $15 per hour for time expended in court and $10 per hour for time reasonably expended outside of court or before the U.S. Commissioner. Such counsel shall be reimbursed for expenses reasonably incurred in representing indigent defendants. In addition, the court, in an ex parte proceeding, may authorize the appointed, assigned counsel or having paid counsel if defendant is financially unable to defray such cost, to obtain investigative, expert or other services necessary to an adequate defense. Each claim for compensation shall be accompanied by supporting affidavits of time expended, services rendered, and expenses incurred. In the case of representation by counsel, the total compensation to be paid each attorney shall not exceed $500 in case of felony and $300 in case of misdemeanor. In the case of investigative or expert services, the compensation shall be reasonable in nature as determined by the court. Payments to the courts to carry out the provisions of this bill have been made subject to the supervision of the Director of the Administrative Office of the U.S. Courts who, in turn, is under the supervision of the Judicial Conference of the United States.

Mr. Speaker, a crying need exists today for the enactment of H.R. 7457. From the birth of our great system of government, equal standing before the law has been recognized as a basic principle of justice. The sixth amendment of the U.S. Constitution provides that:

> In all criminal prosecutions, the accused shall enjoy the right * * * to have the Assistance of Counsel for his defence.

And, for over 25 years, the Supreme Court has equated this constitutional mandate with the right of the poor man, as well as the rich, to have the services of counsel. Otherwise, the theoretical right without a practical means would provide little succor to the person of little means.

In an effort to complement this requirement of the Supreme Court, the Federal judiciary has regularly made it a practice to assign attorneys in private practice or employed by a legal aid society or local public defender organization to represent indigent defendants. In the absence of legislation to compensate court-appointed counsel, however, attorneys, so assigned, have been forced to work on a voluntary basis and frequently pay many expenses out of their own pocket. This clearly is neither fair to the attorney or organization, nor to the scheme of equal justice.

To meet this failing, numerous bills were introduced and referred to the House Judiciary Committee. Many alternative schemes were suggested in these bills for correcting the abuse. Among them was a proposal offered by the administration. That proposal would have provided for counsel appointed by a court from among lawyers in private practice or assigned from local legal aid or local public defender organizations. In addition, however, the administration bill would have authorized each district court to establish a Federal Public Defender Office in its district, staffed by full or part-time attorneys, investigators, clerical assistants and other personnel. This, in my mind, is totally inconsistent with even-handed justice, democratic society, and good commonsense.

Beyond question, the primary objection to the creation of a Federal Public Defender Office is the fear that it will undermine the Anglo-Saxon tradition in America of combative trial proceedings where the lawyer for the defendant is free of State control and thereby free to render the best defense he is capable of making. The Federal judicial system is appointed by the Government and paid by the Government. The Federal prosecutor and the Federal investigator and the Federal marshall are appointed by the Government and paid by the Government. Do we now want the attorneys who represent individuals charged with a crime to be appointed by the Government and paid by the Government?

I recognize that each lawyer takes an oath to protect the interests of his client above all else so long as such protection is extended in an ethical manner. I also recognize that an attorney, acting as a public defender, might never face or, if faced, never succumb to pressures of government in doing his duty. After all, Federal judges are on the payroll of the Government and, yet, they rarely face improper Federal control. But, the position of an attorney, appointed as a public defender for a short term of years and, perhaps, young and ambitious, as opposed to that of a judge with lifetime tenure is so great that a comparison is not possible. The better comparison, of course, is that between public defender and prosecutor. And, there is no question that Federal prosecutors are subject at times to pressures from above.

In our Nation, we have so far managed to keep our channels of justice free from totalitarian abuse and political chicanery. With the continued growth of government, however, and the continued pressure from alien systems of government, resistance to the usurpations of our liberty become more difficult.

Aside from the issue of the control over a Federal public defender by the Government, there exists the more limited issue of possible unjustified control by the Federal judiciary. Under the administration proposal, the public defender would be appointed by the district judge in the district where he was to be located. Thus, we would have a situation where the public defender would be located in the same building and, perhaps, just down the hall from where the judge had his chambers.

Major objection to creating the office of Federal Public Defender is that it can lead to wasteful expenditures of the taxpayers' money and foment a new level of Federal bureaucracy.

The Attorney General, in his testimony before Subcommittee 5 of the House Judiciary Committee, presented the costs of operating public defender offices, together with the costs of compensating private or legal aid counsel in those districts where public defenders are not appointed. He indicated that of the 87 districts and the District of Columbia in the country, only 11 would establish public defender offices: 3 large districts—southern district of California, District of Columbia, and southern district of New York; 2 sublarge districts—northern district of California and Arizona; 4 medium districts—New Mexico, western district of Missouri, eastern district of Tennessee, and middle district of North Carolina; and 2 submedium districts—Oregon and eastern district of New York.

In examining this estimation, it seems difficult to believe that only 11 districts would demand public defenders. This is particularly true since a number of the larger districts in the country are not included in the analysis. In fact, this analysis of the Attorney General has no solid foundation for its limitation to 11 districts. We well recognize that a clamor will occur from certain quarters in every district that the district is entitled to a defender office. It will be the prestigious thing to do. Judge William F. Smith of the Third Circuit Court of Appeals, in fact, testified before a subcommittee of the other body that 26 districts would require a salaried full or part-time public defender. And, the judge would be in a position to know since he is chairman of the Judicial Conference Committee on Administration of Criminal Laws. This estimate,

moreover, is based strictly on caseloads. As indicated above, other factors will surely increase the number.

Aside from the creation of many more public defender offices than the Attorney General predicted, the number of staff personnel per office would far exceed his estimate. For example, in each large district, the estimate was made that one public defender and four assistants would be employed. When it is recognized, however, that the southern district of California—one of the three large districts listed by the Attorney General—has three divisions, then it seems naive to assume that the entire district will only employ five attorneys. Or take the Attorney General's estimate on the medium districts—there he maintains that only two attorneys need be employed. Yet, the western district of Missouri—one of the four medium districts so specified—has five divisions.

From the above, it does not seem difficult to assume that the number of attorneys appointed in each district will far exceed the present estimate. In fact, the tendency is bound to occur that each public defender office will mirror in size and location each U.S. attorney's office. And, what is said concerning the number of attorneys can also be said about investigators, secretaries, libraries, office space, and the accompanying expenses for retirement, travel, and other overhead. This conclusion may be considered particularly relevant when it is realized that the public defender would have been authorized to appoint all assistants under the administration bill. When this is coupled with the expected number of offices that will be set up, the expenses will more than double the predicted sum of $3.5 million a year suggested by the Attorney General.

The final grievous wrong with a Federal public defender system is that it will sooner or later smother the commendable legal assistance presently being rendered by private court-appointed attorneys, legal aid societies, bar associations, and local public defender organizations.

Today, there are in existence 92 legal aid and local public defender organizations supported by State and local funds. There are also 11 privately financed legal aid societies and 7 organizations financed by a combination of public and private funds. Sixteen States and the District of Columbia maintain these offices, including among others, the States of California, New York, and Tennessee where public defender offices have been proposed. In addition, many local bar associations, such as those of Los Angeles and San Francisco, have set up superbly working panels for providing counsel to indigent criminal defendants in Federal courts. This system of State or private assistance to the impoverished accused would slowly grind to a halt if the Federal public defender moved in. If anyone can cite an example where Federal bureaucracy has not driven out effective State and local self-help, then I shall be glad to reappraise my fear.

If we were faced with a situation where the local legal aid societies, local public defender organizations, and bar associations were not providing satisfactory representation, then there would exist a basis for filling the vacuum by creating the Office of Federal Public Defender. The exact opposite exists, however. Nothing but praise exists for the operations of the New York Legal Aid Society; the Voluntary Defender Association of Philadelphia; the Harvard Voluntary Defenders of Cambridge, Mass.; the Cincinnati and Cleveland, Ohio, legal aid associations; and many more.

In fact, the most surprising aspect of the House Judiciary Subcommittee hearings on this matter was that each witness who appeared before the subcommittee to testify in support of Federal public defenders indicated that they were only interested in the concept for someone else's district and not their own. The chairman of the Special Committee on Defense of Indigent Persons Accused of Crime, American Bar Association; the president of the Ohio Bar Associattion; the president of the American Bar Association; and the chairman of the Standing Committee on Legal Aid Work, American Bar Association, each in their turn, expressed support of the public defender system on the Federal level, but did not wish to see a defender office established in their respective districts—thereby damaging the vitality of their local organizations. When it was pointed out to some of these witnesses that a Federal defender office was intended for their district, the witnesses expressed a hope that such an event would not occur.

There have been statements made by those who support the Federal public defender system that privately appointed counsel have, at times, not rendered creditable service; that they have been too young or inexperienced; that they have not devoted sufficient time to their tasks; or that they have failed to present the best defense possible. In answer to these assertions, I say that the bar has been noteworthy in defending indigent accused and that the evidence of their outstanding work far outweighs the few instances of mediocrity.

Similarly, in a survey presented in a Harvard Law School study, 90 percent of the judges and prosecutors replying to the questionnaire considered the experience of assigned counsel adequate, and 20 percent considered it very adequate.

In addition, witness after witness who appeared before the House Judiciary Subcommittee maintained that they believed court appointed counsel to have conducted themselves in a most professional manner.

Finally, solely from the standpoint of maintaining a healthy independent bar in a healthy and independent society, responsibility must be accepted by members of the bar to aid those in need of help—thereby shouldering the burdens of democratic society. Admittedly, a limit is placed on the compensation to be granted these counsel. In an effort to relieve their financial burden, reasonable fees are provided for in H.R. 7457. We cannot, however, hope nor should we be expected to compensate attorneys to the same degree that a wealthy client could do.

What is necessary is to reimburse an atorney for at least his out-of-pocket expenses and overhead. At the minimum, H.R. 7457 so protects counsel and, at times, it will make them more than whole.

In conclusion, I strongly urge the adoption of H.R. 7457 as the best means of safeguarding the interests of indigent accused and the strength of the American systems of justice.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from New York.

Mr. FARBSTEIN. I want the gentleman to know that I favor this legislation because it is very, very necessary. However, there are certain questions I should like to have clarified.

First, would this be a token payment for services, or is it intended that the attorney be adequately compensated for his services?

Mr. MOORE. The bill provides that in cases of felony, proper affidavit to the district judge counsel can be paid $15 an hour while employed and $10 for his officework, but it shall not exceed $500 in the case of a felony.

Mr. FARBSTEIN. I appreciate that. The reason I inquire as to whether this is to be an adequate or token payment is that there is nothing contained in this bill to cover appeals. Suppose he has to go to the U.S. Supreme Court. Is this $300 for a misdemeanor and $500 for a felony to be the attorney's total compensation?

Mr. MOORE. May I answer that by saying the $500 limitation applies, if the appointed attorney represents the defendant before a Commissioner and all the way to the Supreme Court—$500 is the total compensation allowed.

Mr. FARBSTEIN. It is a token payment rather than adequate compensation?

Mr. MOORE. In addition, the appointed counsel on making a proper showing to the Court he is entitled to all of his expenses. As counsel he is entitled to obtain expert witnesses to provide aid in that defense. The gentleman uses the term "token." I do not believe we can ever provide an indigent defendant with prime legal counsel. In a sense this is token. I believe when you consider it in the light of the payments which are made by the various States under a similar system, $500 in a sense is adequate compensation. I believe it is; however, we may disagree on that.

Mr. FARBSTEIN. There is another question. Does the $500 apply to the case or to the attorney? The reason I make this inquiry is: Suppose that during the course of a trial an attorney becomes sick and is unable to continue or for one reason or another he resigns from the case. Would the $500 then apply to the case or the attorney? May there be more than one attorney in a case representing a defendant, and then

would the $500 apply to each attorney or to the case?

Mr. MOORE. With respect to the attorney the limitation is $500 with respect to a case, as the bill is now written, but in the situation the gentleman advances, that counsel would become ill and unable to continue to serve and as far as the court could determine, he had expended time which would merit a $500 fee, he would be paid. If he had to be replaced, because of illness, with other counsel, in a situation like that I would assume without question that two $500 fees could be available. But as the bill is now written it is on a per-case basis, $500 per case.

Mr. FARBSTEIN. I would like to make legislative history. Is it the intention of the gentleman, who I understand is responsible for the preparation of this act, that this be $500 for the case or $500 for the lawyer, in view of the situation that I have just propounded?

Mr. MOORE. In order that the record might be clear, and as the bill is written, it is $500 per case.

Mr. FARBSTEIN. I thank the gentleman.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from New Jersey.

Mr. CAHILL. I commend the gentleman for what I think is a step in the right direction. There are certain questions I, too, would like to ask. I am sure every Member of the House agrees with the principle stated by the gentleman that every defendant should have a right to competent counsel. But, I think any of us who has had any experience in the prosecution of criminal cases recognizes that most defendants who appear and who are asked whether or not they are able to pay for counsel, answer in the negative. Now whose responsibility is it, I ask the gentleman, to determine the financial responsibility of the defendant to pay counsel?

Mr. MOORE. May I say in response to the gentleman's question, it is the responsibility of the district judge, after making proper inquiry of the defendant, if he is satisfied in response to the questions that he puts to the defendant that the individual is impoverished and cannot possibly provide his own counsel, then it is within the discretion of the court as to whether or not counsel shall be appointed.

Mr. CAHILL. As I understand the bill as written, there is a maximum payment of $500 that can be paid in any given case?

Mr. MOORE. That is correct.

Mr. CAHILL. Do I understand the gentleman correctly then that if the interrogation discloses that the defendant is capable of raising $500 that then counsel should not be appointed by the court?

Mr. MOORE. That is correct.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. POFF. Mr. Chairman, I yield 2 minutes to the gentleman.

Mr. CAHILL. I would like to ask just one or two other questions, if I may. I understand counsel is limited to $500, but I note that expert witnesses are permissible. I would like to know whether or not there is any limitation upon the payments that may be made to expert witnesses such as physicians, psychiatrists and the like?

Mr. MOORE. May I say to the gentleman, as the bill is now written, there is no limitation as to the investigative services. It is my understanding that the gentleman from Virginia, Mr. POFF, will offer an amendment to limit the amounts which those rendering investigative services and as expert witnesses may receive under this bill.

Mr. CAHILL. Is it the opinion of the author of the legislation that since members of the bar are asked to make sacrifices in representing indigent defendants, that likewise our medical experts or engineers or other experts that may be called into a case should be asked to make sacrifices; and therefore there ought to be some limitation upon the amount paid to them?

Mr. MOORE. I have indicated to the gentleman from Virginia that I have no objection to his amendment. I would say to the gentleman, I am in perfect accord with the thought that you have advanced. I do think we can encourage a little more lenient attitude on the part of some people who are experts to give a little more freely of their time than they do today.

Mr. CAHILL. My last question is this. As I read the report and as I understand the legislation, there is no requirement that the Commissioner or the Federal judge rotate counsel from the accredited bar associations, but is it not the intention of the author that where practicable and where possible and where equal talents are present that this be done and that there be absolutely no favoritism of any kind shown by either the Commissioner or the judge?

Mr. MOORE. That is exactly right. As you know, we did discuss the question of a rotational system, but we felt on balance that in providing the best legal defense possible that it would not be a good thing to write into the bill. But it was our intention that the judge should follow the system of rotation, but not be bound by it.

Mr. CAHILL. I thank the gentleman.

Mr. MOORE. Mr. Chairman, I urge the Committee to support and adopt the bill, H.R. 7457.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Mrs. GRIFFITHS].

Mrs. GRIFFITHS. Mr. Chairman, I rise in opposition to this bill. I am not opposed to every defendant having counsel, but in my judgment the bill will not produce any better counsel for $500 than any Federal judge could provide for nothing now for a defendant. Therefore, I am opposed to the bill.

As a lawyer, I have defended people in Federal court without charge, and I considered it an honor and a privilege. As a lawyer, I have defended people in a municipal court and been paid a fee.

As a judge I have appointed people to defend others charged with crimes. In my opinion, a defendant will not get a lawyer of higher learning if the lawyer is paid such a meager amount, than would be available for nothing.

Second, this is likely to become a racket.

Finally, I believe that lawyers are obligated to give some of their services free.

I oppose the bill.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, the bill before us, H.R. 7457, is a good proposal. I am for it and I would like to tell you why I think it should be passed.

Under our system of administration of justice the right to counsel is fundamental. But suppose the defendant cannot afford counsel, what happens?

Let us take an actual case in order to explain the practice and procedure. A person is charged with crime. That, of course, does not mean that he is guilty of the offense. On the contrary, he is presumed to be innocent until proven to be guilty. His case is set for trial, but he comes to court without a lawyer. The judge must tell him that he is entitled to be represented by counsel. If, after questioning him, the judge is satisfied that in truth and in fact he cannot hire a lawyer the court must appoint counsel for him. All of this is well and good but how does it work in practice? The hitch is that the lawyer appointed to represent him will receive no payment. He must work for nothing, and most of the lawyers do not like to work for glory. They must make a living and many of them try to duck the appointment, and usually the best and busiest lawyers have an honest reason to be excused. Consequently, in many cases, a mediocre lawyer must be appointed and he frequently does not have his heart in the case, because where your purse is there is also your heart. And so the appointed lawyer frequently does not prepare his case well and does not fight it as hard as he might. Yet, the defendant may be guilty and even the highest priced lawyer could not save him.

In either case, however, innocent or guilty, the verdict may be set aside on appeal. Why? Because the Supreme Court in the last decade or so has frequently held that a defendant is entitled to a competent lawyer at all stages of the criminal proceedings. What constitutes competency is, of course, a dubious question, but it certainly can be said that the court leans in favor of the defendant. But not all cases are appealed. The net result is that in some cases the guilty may be set free; yes, free to commit other crimes maybe, while the innocent goes to jail.

In view of this situation, ever since the time of Attorney General Cummings back in 1933, all Attorneys General have recommended that something be done to provide counsel for the indigent. Various proposals have been advanced before our committee ever since I have been a Member of Congress.

Under this administration, and under previous administrations, the incumbent Attorney General has recommended a public defender system. Under this system the court, with the recommendation of the Attorney General in one form or another, would appoint a single public defender to represent all indigent defendants. I am opposed to that system. I favor a system of private defenders. Under this system a special lawyer would be appointed to represent the defendant in each case. The judge would choose the lawyer or he could pick one from a list submitted by the local bar association. The lawyer appointed in each case would be paid between $10 and $15 an hour, but his total fee could not exceed $300 in the case of a misdemeanor and $500 in the case of a felony. This is exactly what this bill would do.

Now let me tell you why I am opposed to a single public defender to defend all cases. In my opinion, a public defender system would concentrate entirely too much power in the hands of three people in the administration of justice—three Government people: the U.S. attorney, the public defender, and the judge. A Government representative would prosecute, a Government representative would defend, and a Government representative would judge. Each of them would be on the public payroll; each would have an office next to the other; and perhaps all three would travel together from one Federal courthouse to another. I am not imputing motives but I am saying that this sort of system is contrary to our time-honored system of checks and balances.

And then, too, it must be remembered that the Attorney General, a fourth Government appointee, would necessarily have a hand in this thing.

Let me illustrate what I mean. Under Louisiana law the prosecuting attorney is elected by the people. It is up to him and him alone to decide whom, how, and when to prosecute. He has the sole power to try or to dismiss and nolle prosequi a case and generally to conduct criminal proceedings in his own discretion. If the judge or the attorney general of Louisiana should try to interfere with his powers, he could tell both of them to jump in the lake. I imagine all of this is probably true under the laws of all of the States.

Under the Federal system of criminal proceedings, however, the U.S. attorneys are all under the supervision of the Attorney General. I am not pointing the finger at the present Attorney General because this has been true since the beginning of the Civil War—since 1861, to be specific. And under the Federal system, all major decisions, and very many minor decisions, are made right here in Washington.

Those are the reasons why I am opposed to a single public defender system, and those are the reasons why I am in favor of the court appointing a special lawyer for indigent defendants in each case. I think it is far better to have a different lawyer to fight it out with the U.S. attorney in each case than to embark upon a new and untried system whereby appointed public officials would at the same time prosecute, try, and judge criminal cases.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, Federal legislation to provide paid legal assistance to impoverished defendants accused of crime is a matter of the greatest importance. Ever since 1937 the American Bar Association, the Department of Justice, and the Judicial Conference of the United States have recommended legislation to provide legal counsel for indigent defendants in the Federal courts. In 1938 the Supreme Court held that it is an essential jurisdictional prerequisite to a Federal court's authority to deprive an accused person of his life or liberty, that the accused shall have enjoyed the right to have the assistance of counsel for his defense. (*Johnson v. Zerbst* (304 U.S. 458, 467–468).) Ever since that decision there has been a growing acknowledgment of the need for remedial legislation to redress the present inadequacies of the legal representation available to indigent defendants in criminal cases in our Federal courts.

In his state of the Union message on January 14 of last year the late lamented, martyred President stated:

> The right to competent counsel must be assured every man accused of crime in a Federal court regardless of his means.

I am very happy to state that this bill in a major way has been the work of our distinguished colleague from West Virginia [Mr. MOORE]. I am one of those who was willing to call this the Moore bill. He rendered a yeoman service in the fashioning of this vital bill and honor is due him. I hope, therefore, this bill is passed and will be called the Moore bill.

Under the sixth amendment we find:

> In all criminal prosecutions the accused shall enjoy the right to have assistance of counsel for his discharge.

This is an absolute right unless competently and intelligently waived.

Then the 14th amendment requires due process. If counsel for defense is not available there is no due process by the State. The sixth amendment is made obligatory upon the States by the 14th amendment and the 6th amendment requires counsel in Federal cases.

The practice that we have now is very haphazard. It is informal and most irregular. It differs in every possible jurisdiction. There is no compensation provided for counsel. Young attorneys seeking experience covet these assignments in the Federal court. They are not skilled in matters of this kind enough to pit themselves against the expertise of the U.S. attorney with the result that the defendant does not, in common parlance, get a fair shake. It is essential to have counsel representing these indigent defendants who are skilled enough to pit themselves against astute prosecutors.

To give you an illustration of how haphazard and how inadequate that service is, let me give you a case from my own experience. When I first got out of law school I went to old Judge Chatfield in Brooklyn and I said that I wanted a case. In a few days he assigned me a case. Well, I did not know much about the law; I was quite inexperienced. I was assigned an immigration case. The defendant was a lowly Italian. I was seated at the table with this Italian defendant of mine, on one side. On the other side was the U.S. attorney with his assistant. The Italian said to me,

> Mr. CELLER, why haven't we got another attorney? You are only one.

I said:

> You cannot afford to have even one attorney, much less another, and the court has appointed me.

I said to him:

> Why do you want another attorney?

He said:

> The district attorney has a man with him. When Mr. District Attorney stands up and speaks to the court the other man thinks. When you stand up nobody thinks.

That is about the situation as it occurs in our Federal court. These lawyers have not yet cut their eyeteeth, so to speak, when they try these cases, to the woeful disadvantage of the defendant. This bill, I think, will fill a gap, will fill a vacuum and do that which is just and proper and honest. A great democracy such as ours should do no less. The cost, in the final analysis, will be infinitesimal. I have estimated myself the cost, and it could not possibly be beyond $2,500,000 for the whole of the United States.

That is a small cost when you consider that so many lives are in jeopardy and so many may go to prison without adequate defense.

For that reason I urge that this Moore bill be passed with dispatch.

H.R. 7457 is modest legislation. It does not go as far as my bill but it is an exceedingly worthwhile step in correcting a major procedural injustice. Each year nearly 10,000 persons, comprising more than 35 percent of defendants in all Federal cases, need court appointed counsel because they lack the resources with which to employ their own. The representation furnished by these lawyers is necessarily inadequate. There is no provision to pay for their services or even for their expenses. They are not normally appointed until long after the arrest takes place. They are often inexperienced and overworked. All too often, through no fault of theirs, their services fall short of providing an adequate defense.

I said that H.R. 7457 is a modest bill. Its cost to the Government is low compared to the magnitude of the problem it is designed to solve. Under the terms of the bill, the maximum which may be paid to an attorney regardless of how he is appointed or assigned cannot exceed $500 in the case of a felony and $300 in the case of a misdemeanor. On the assumption that nearly 10,000 persons are in need of the services to be provided by the bill, it is clear that the measure cannot cost the Government more than $5 million annually at the outside.

Unlike my bill H.R. 4816, H.R. 7457 does not provide for full-time or part-

time public defenders. Nevertheless I voted for H.R. 7457 because it represents a worthwhile and substantial step in the right direction and, frankly, it was the best bill we could get.

The bill provides that in every Federal criminal case the defendant must be advised of his right to be represented by counsel, and that counsel will be appointed or assigned if he is financially unable to retain one. Unless the defendant specifically waives his right to counsel, counsel must then be either appointed from a panel designated or approved by the judge, or assigned as made available by a bar association or legal aid society. Separate counsel must be assigned for defendants who have conflicting interests—subsection (a).

Subsection (b) of the bill provides that a defendant is entitled to representation at every stage of the proceedings, from initial appearance through appeal. The court may terminate appointments if the defendant becomes financially able to pay his own way, and may appoint or assign counsel at times when it appears that the defendant has become indigent.

Subsection (c) provides that counsel supplied under the bill shall be compensated at rates not exceeding $15 per hour for court appearances and $10 per hour for time reasonably spent outside of court, plus expenses. Claims for compensation are to be addressed to the court before which the attorney represented the defendant and each claim must be supported by a detailed affidavit. The total compensation may not exceed $500 in case of a felony and $300 in case of a misdemeanor.

Subsection (b) empowers the court to authorize the appointed or assigned counsel to obtain investigative, expert and other necessary services, and the court which authorizes such services shall direct the payment of reasonable compensation to the person who renders them.

Under subsection (e) the court allocates available funds among appointed counsel, organizations making counsel available, and persons authorized to perform non-legal services. No person or organization may request or accept payment in addition to those so allocated.

Subsection (f) requires reports by the court to the Director of the Administrative Office of the U.S. courts concerning appointments and assignment of counsel.

Under the bill—section 3—each district court and court of appeals would be required to commence compensation to appointed or assigned counsel within 6 months after the date of enactment.

Subsection (g) authorizes the appropriation to carry out the provisions of the act.

Mr. Chairman, a half a loaf is better than none. This bill is good and necessary legislation. Although it does not go as far as some would like to see, I urge its adoption because it marks the first substantial step in redressing a grievous shortcoming in our Federal criminal procedure.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I firmly support this bill, H.R. 7457. Insofar as the Federal Government has impact on the individual lives of individual persons in this country, I consider this bill the most important piece of legislation the House has had before it in the 88th Congress. I should like to commend our colleague from West Virginia [Mr. MOORE] on his authorship of this bill. It gives me great satisfaction to know that the gentleman from West Virginia, who was early identified with this cause and with this legislation in the early part of the Eisenhower administration when legislation of this kind was submitted to the Congress by Attorney General Brownell and subsequently by Attorney General Rogers, is now seeing this legislation moving toward enactment.

Sixteen centuries ago, it was stated by Lactantius as follows:

> Nobody is poor unless he stands in need of justice. It should give us pause not only that Magna Carta forced the King to agree "to no one will we sell, to no one will we refuse," but also that, in ancient predemocratic days, many a Bill in Eyre or Bill in Chancery successfully asked the aid of the court because the petitioner was poor and needed help against a wealthy and powerful opponent.

Surely our democracy should follow and enlarge upon those examples. Most of our State constitutions, echoing Magna Carta, proclaim that every person ought to obtain justice freely without being obliged to purchase it.

It was in the middle of the 19th century, in the year 1836, that in England the first statute was passed in our Anglo-Saxon jurisprudence making it a requirement that indigent defendants be supplied with counsel.

The year 1836 is a long time ago, and one would have thought that under a system of jurisprudence as important as our Federal system some action would have been taken before 1963.

Actually, the history of this subject in England is quite interesting.

In the 18th century defendants were allowed to retain counsel only in minor cases. Persons accused of felony or treason were for the most part required to defend themselves, being permitted counsel only with respect to points of law, not in arguing facts.

The most famous example of the harshness of that system was the trial of Mary Stuart, Queen of Scots. Her trial began at Fotheringhay on October 11, 1586. Two weeks later it was concluded at the Star Chamber and Mary was condemned to death. The sentence against her was carried out on February 8, 1587.

The records indicate at the beginning of her trial Mary requested that she be permitted counsel. This request was refused on the ground that, and this is from the record:

> Forasmuch as it was a matter de facto and not de jure, and altogether concerned a criminal case, she neither needed nor ought to be allowed counsel in the answering thereof.

Her request was refused. Thus, in full accordance with the laws of England, Mary was forced to defend herself before her judges on a capital charge in what was to her a foreign tongue.

After this unfortunate event, slowly this law changed in England, and by the middle of the 18th century Blackstone, the great British jurist, had written:

> Upon what face of reason can that assistance be denied to save the life of a man which yet is allowed him in the prosecution of every petty trespass?

And so it went until 1839 when a statute was passed.

In the United States great credit should be given to the State of New Jersey. The gentleman from New Jersey [Mr. CAHILL] has been interested in this legislation and has participated in its formulation from the beginning. I think it is noteworthy that New Jersey was the first State to provide a statute for the defense of indigent defendants. That was in 1795. Since then many of the States have moved forward in this area. Some of them have provided fulltime, paid, salaried attorneys. In the Federal courts we have nothing, and the caseload is huge. It is a conservative estimate that fully 30 percent of all the criminal cases, or roughly 10,000 a year, are cases which require counsel for indigent defendants.

I happen to think myself that in the big cities of this country with heavy case loads the judicial districts should have the option to provide fulltime public defender counsel. I offered this by way of amendment in the Judiciary Committee and the amendment was defeated. I have no intention of reoffering it here, as I feel the general position of the House would be in opposition to it.

I think this is an excellent bill as far as it goes, and it has my enthusiastic support.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Chairman, I rise not to make a speech but to make two or three comments and ask the author of the bill several questions.

I, too, would like to compliment the gentleman from West Virginia [Mr. MOORE] for the authorship of this bill, even though with a great portion of it I am in strong disagreement.

When one considers that the House has considered a number of bills, including the bill of the gentleman from New York [Mr. CELLER], chairman of the Committee on the Judiciary, relating to public defenders, for a number of years, and that the hearings have been great in terms of volume on this question, when one considers that the administration sent down the Criminal Justice Act of 1963 as their bill, when one considers that in July the Senate passed the Criminal Justice Act of 1963, and when one considers that the subcommittee reported out the Criminal Justice Act of 1963, the fact that we substituted the Moore bill is, I think, genuinely of great credit to the gentleman from West Virginia.

Essentially it differs, as I understand it, insofar as it does not include the position of the Office of Public Defender. Several others have commented on this,

especially insofar as the administration bill made this purely arbitrary depending on the district. This approach would coincide with the needs of the judicial district. There were some of us who felt that perhaps, as the gentlewoman [Mrs. GRIFFITHS] indicated in her statement, paying lawyers as individuals would not qualitatively guarantee any better or more equal justice, that in essence it might become a lawyers' pay bill. If it were to be so, then it ought to be included in the post office and civil service bill of 1964, Rules Committee, rather than a separate bill. But in fairness to this bill, there is something more included.

There is a statutory indication of what is intended.

There is outside investigative help that indigent defendants need and there is an indication that the breadth of defense at least from the earliest moment through appeal might be present, and this has not always been the case in practice.

In two particulars, I would like to ask the gentleman from West Virginia. The report indicates that the purpose is to provide legal assistance for indigent defendants in criminal cases in the courts of the United States. On line 9, page 1, of the bill, it is indicated that "every criminal case arising under the laws of the United States, where the defendant appears without counsel," is covered. While this may be a technical question as to the scope of what is intended to be included, it might be important to know, whether for example criminal cases in the courts of the United States are, indeed, included whether or not they necessarily must arise under laws of the United States.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman.

Mr. MOORE. In response to the gentleman's question, I would say that under the Federal rules of procedure, the most liberal interpretation probably would apply and that this language beginning on page 1, line 9, of the bill, is broad enough to include those cases which find themselves in the Federal jurisdiction, whether originally as a violation of Federal criminal law or whether they are there by some motion or petition which is made in any one of the other jurisdictions; and that all aspects of the bill therefore would apply to the situation which the gentleman questions.

Mr. KASTENMEIER. I thank the gentleman for his reply. Would this, in the gentleman's view, also apply to a constitutional question which arrives, let us say, in the U.S. Supreme Court, perhaps even in the court of appeals, but which had itself actually not arisen originally in a Federal court? Would the defendant at that point be entitled to assistance?

Mr. MOORE. In the example that the gentleman gives, if the case finds itself in one of the higher courts and is a case which has its beginning, or the nature of which involves a violation of a State criminal statute, it is my judgment wherever that is found, in whatever area of our judicial system, that this law would not apply. The only way that it would is if there were by a petition or by a motion, a removal, that the pending case be transferred to a Federal jurisdiction.

Mr. KASTENMEIER. I thank the gentleman. I have just one more question to ask of the gentleman. In an earlier version of a bill introduced by the gentleman from West Virginia, in fact the earlier version, H.R. 6765, there is reference made in terms of the type of assignment made on page 2 where a counsel was made available by a bar association, legal aid society or other local defender organizations established only for the purpose of legally representing indigent defendants accused of crime. I note too that the gentleman today in his discussion referred to a bar association, a legal aid society or other local defender organizations. Yet, in the committee version of the gentleman's bill, the term "local defender organization" is stricken. I think it is most unfortunate. I wonder if the gentleman would care to comment on that?

Mr. MOORE. We felt, in rewriting the bill, that the terms "bar association" and "legal aid society" were all-encompassing. We were going into a new area, breaking new ground, and were not in any way at all construing it as a particular position with respect to what a court might construe to be its position with respect to the use of those words. Therefore, they were deleted.

In my statement I used the term "local defender organization" as I discussed the Federal Public Defender Association, and I did not use it in terms of explaining the contents of H.R. 7457.

Mr. KASTENMEIER. I thank the gentleman.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. CAREY].

Mr. CAREY. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, I support this legislation because it activates a fundamental principle in our system of government. We are a just government and we are governed by the just. Before every court in this land, every defendant is innocent until the State sustains the burden of proof as to his guilt. His innocence is not conditioned on his indigence and his right to a fair trial with representation by competent counsel of his own choice is not to be abated or denied by reason of poverty.

The foundation of the right to counsel is constitutional and in common with all other constitutional rights which guard freedom of the individual it must remain free from stress and burden, economic or circumstantial. The sixth amendment provides:

> In all criminal prosecutions, the accused shall have the right * * * to have the assistance of counsel for his defense.

But as I read the legislation this bill does more than assure the safeguard of that minimum of effective representation necessary to provide an adequate defense. It identifies the right of a defendant without the means for a complete defense and, if need be, an appeal, a freedom of choice of counsel to be compensated by Federal funds.

It is this latter point which becomes important in another context. Our Nation, and indeed, the entire free world is in a period and process of restatement of individual rights.

Our own constitutional rights are gaining by clarification of their effect on the rights of the individual in a democratic society.

One of these rights is the right to an education. If today, in this bill, we show a due and proper concern for the rights of an indigent defendant to a free choice of counsel without the burden of economic disadvantage, what principle should govern the Federal interest in the right of its citizens to an adequate education? Surely the same freedom of choice again without economic impact or denial should apply.

The right of freedom of choice in education is not arguable. The U.S. Supreme Court in *Meyer* v. *Nebraska*, 262 U.S. 390, and *Price* v. *Society of Sisters*, 268 U.S. 510, has held that all American citizens have the right to control the education of their children and that no State shall pass a law or otherwise interfere with that constitutional right. Is it torture or truth to the principle of this bill today to state that if an indigent defendant is to have the guarantee and the means to express his freedom of choice in his defense in a criminal action then a parent should be given the same means and guarantee that his children will be educated in a school of choice without regard to his race or religion, station or origin? And what of the religion that might be included in the curriculum of his school of choice? Shall that vitiate the right to funds for education? Hardly so, for the Supreme Court again said in Murdock against Pennsylvania:

> Freedom of religion is available to all, not merely to those who can pay their own way.

Today we are saying justice is available to all, not only those who can pay their own way.

I well realize that this is not the day or forum to consider freedom in education. But the temptation to sequence the rationale of this bill into the other constitutional rights is irresistible.

It is made so by a precise sentence in the minority report on page 12 which reads:

> There is no justification for telling a financially disabled defendant who has retained his own counsel that he is hereby ineligible to receive the expert services which would have been available to him had he not used the little money he had to pay for counsel of his own choice.

In the right to education it does no violence to this well-defined principle to paraphrase it.

There is no justification for telling a financially disabled parent who has selected a school of choice which is not tax supported that he is thereby ineligible to receive the means to expert education which would have been available to him had he not used the little money he had

to pay for the cost of religious instruction in the faith of his own choice.

The report is even stronger in its next sentence:

> The fact that he had saved the Government the cost of furnishing him a lawyer should not deprive him of essential defense services which he cannot otherwise afford.

Substitute "parent in search of school" for "defendant in search of justice" and it reads:

> The fact that he has saved the government the cost of furnishing him with a seat in a State-supported school should not deprive him of the essentials for excellence in education which he cannot otherwise afford.

There is no point in following the route of comparison any longer but if we adhere to the principle of a government just and equal in its treatment of all its citizens we are going to have to cross the bridge of equality in education very soon.

It is my hope that we will be considering measures for the release of millions of Americans from the predicament of poverty and its effect on their education as a part of the President's program. When we do the very least we can do is preserve to disadvantaged families the same freedom and guarantee of equality we now seek to accord to indigent defendants.

In final analysis the only intent of these families is to secure religious instruction for their children together with excellence in education.

This is no crime or misdemeanor in this Nation, it is a matter of right and like the right we guard today it must be served in the cause of justice and served without penalty.

Failure to do so will place the parent a level below the indigent defendant in the structure of justice.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FARBSTEIN].

Mr. FARBSTEIN. Mr. Chairman, this bill represents a departure from the general method of practice in the Federal courts of this country in that, so far as I know, compensation to lawyers who have represented indigent defendants has never been paid.

Although I am in full agreement with the gentlewoman from Michigan that the compensation discussed is totally inadequate, I am nevertheless persuaded that the bill is absolutely vital and necessary. I believe we can cover the question of inadequacy of compensation to the attorney, because I firmly believe the laborer is worthy of his hire.

Because of the fact that this represents a departure, as I have stated, from our traditional manner of practice, it is to be a beginning. Should it be determined at a future time that the payments being made to attorneys who represent indigent defendants is wholly inadequate, and that this law is proving to be a failure because of the inadequacy of payment, at a subsequent time the law can be amended to increase this compensation. I say this because in my own State of New York attorneys have been assigned in capital cases—by that I mean death cases, murder cases. Originally those attorneys received only $250 for representing a defendant. It was determined, because of the tremendous amount of labor necessary to properly defend someone, that such an amount was inadequate; and it was thereafter increased. Today I believe the sum paid to attorneys is adequate to a certain degree, insofar as trial is concerned. That sum is about $1,000.

In such a fashion I believe we can overcome the objection to the lack of adequate compensation.

I also believe that a payment should not be for the case but should be to the attorney. I do not believe, when it is necessary for two or three attorneys to participate during the course of a trial, to represent one defendant, that there should be a restriction on the payment of $300 in misdemeanor cases or $500 in felony cases to the lawyers. I believe the court should be given discretion, in order that it might determine what would be adequate compensation in a particular case. I suggest that amendment to the members of the Committee on the Judiciary.

I sincerely believe the proposed legislation is vital and should be passed.

Mr. POFF. I yield 5 minutes to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. Mr. Chairman and members of the committee, I rise in support of this bill because, as indicated by the previous speakers, I think this is a step in the right direction. I think any of us that have practiced law well know that lawyers in the United States today perform every day of their practicing life services without compensation. The fact that they have been doing this is in my judgment no valid or logical reason why they should continue. Certainly, it seems to me that any lawyer who takes upon himself the responsibility of representing a defendant charged with a serious Federal crime and who undertakes the responsibility of conducting a proper, factual, and legal investigation and takes upon himself the duty and responsibility of advising an individual whose liberty may be at stake as to whether he should plead or whether he should stand trial and then maybe for 2 or 3 or even 5 or 10 days undertakes the defense of that individual in a courtroom, is entitled to compensation. The difficulty with this bill as I see it is that it does not provide adequate compensation. Certainly $500 is not sufficient compensation for any qualified member of the bar who appears and tries a criminal case for 3, 4, or 5 days, but at least it is a step in the right direction.

I would just point out that the most important time for any defendant to be assigned counsel is at the beginning of the legal proceedings. How many times have all of us who have had any experience in criminal law come to realize that by the time we are called into the case the defendant has already convicted himself and that the time for him to have had the legal advice has long since expired? So this bill at least gives a defendant the right to have counsel at the very beginning of the proceedings, when he needs it most.

Second, this bill will save the U.S. Government a great deal of money because every Federal judge will tell you today that his calendar is swamped with applications by men previously sentenced who are appearing through the means of habeas corpus seeking a new trial on the basis that they did not have counsel when originally sentenced.

Therefore, I would commend the gentleman from West Virginia and all members of the committee for presenting to the Congress a bill that is certainly a step in the right direction.

There are two things about this bill, however, that concern me, and I would like to address my brief remarks to these two things. First of all, I am delighted that the gentleman from Virginia is going to present an amendment which will limit the fees that are to be paid to expert witnesses. It makes no sense in my judgment that an expert witness can come into court and be paid unlimited fees when the attorney, who has the primary responsibility of hiring and retaining the expert in the first instance, is limited. I would hope that the gentleman from Virginia will not only limit the fees to the maximum given to the lawyer but will also in his legislative history indicate that the judge should determine the fees on the basis of the same hourly pay that is given to the lawyer. In other words, if a qualified medical expert spends 2 hours in the courtroom, in my judgment his fee should be $30. He should not be permitted to come in and submit a bill for $200 or $300. I sincerely hope that the gentleman's amendment will indicate that the court in its discretion should follow the same allowances for experts as it is asked to follow for lawyers.

Second, it would be my hope that the judges will understand that it is the will of this Congress that there shall be no favored list of lawyers and that so far as practicable every qualified member of the bar shall be asked to serve as counsel for an indigent defendant and that the court shall follow as far as possible a rotation system.

Mr. POFF. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. BROTZMAN].

Mr. BROTZMAN. Mr. Chairman, I rise in support of H.R. 7457. While I was serving as U.S. attorney for the district of Colorado I witnessed many able, young lawyers struggling diligently in defense of those who could not afford counsel. I was impressed by the conscientious job that they were doing in carrying out the mandate that all defendants in Federal criminal cases be properly represented in court. These men spent long hours taken away from their practice, and many dollars were taken from their pocket when they could ill afford it. But they conducted themselves to the very best of their ability and without complaining that they were doing so without recompense.

One case makes an outstanding example, although I can think of many.

In this particular case, a case of murder on a Ute Indian Reservation, *U.S.* v. *Sweezy and Gould*, 14664 U.S. district court for Colorado, a young attorney, Mr. John R. Evans, spent 168 hours preparing the defense for the indigent defendants, and $433.09 out of his pocket traveling to New Mexico to find the witness whose testimony resulted in the defendants' acquittal, after a trial of 5 full days. Furthermore, these defendants were also charged with a Dyer Act violation which was later dismissed, but only after another 31 hours had been spent by Mr. Evans on this case. This young lawyer went so far as to provide his clients with clothing so they would make a suitable appearance in court, and after the case was closed he took money from his pocket again to buy them bus tickets for travel home, at a cost of $40.

Mr. Chairman, it is not my suggestion that the Federal Government clothe every client appearing in Federal criminal cases, but it is our duty, I think, to see that those of the legal profession who gladly donate their time and money in defense of the needy as officers of the court should be able to clothe themselves.

Mr. Chairman, I would like to commend the author of this legislation, the gentleman from West Virginia [Mr. MOORE], and the committee, for a very fine job in providing a step in the right direction. I would urge all Members to support this fine piece of legislation.

Mr. POFF. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support of the legislation to provide legal representation for indigent defendants in Federal criminal proceedings. I believe the bill before us, H.R. 7457, is beneficial and vitally needed legislation, and I think it will go a long way toward solving one of the most important deficiencies in the present administration of our system of criminal legal jurisprudence. I want to compliment the gentleman from West Virginia for his superb work in this field and for his productive efforts in developing this legislation.

As a sponsor of H.R. 7963, which would establish a public defender system as one technique to provide legal defense for the indigent, I must say that I wish the subject bill went further and also provided for a public defender system in cases where a locality has a large caseload of indigent defendants. Still, I am pleased to support the bill before us today, because I think it is a good beginning and a sound foundation on which we can continue to work for a broader and more comprehensive program. For this reason, I hope this bill will be firmly supported by my colleagues today.

Mr. Chairman, I would like to take just a few moments to touch on some of the fundamental concepts that underlie our discussion here today. Scripture tells us that it is easier for a camel to pass through the eye of a needle than for a rich man to enter the kingdom of heaven. In stark contrast with the Biblical admonition against wealth, and by implication, in favor of humility and poverty, the administration of our criminal justice has increasingly, in recent years been weighted on the side of those defendants possessed of ample financial resources.

This deplorable situation is not attributable to any conscious desire on anyone's part; rather, it stems from the enormous increase in our population and the skyrocketing costs associated with litigation. The costs involved in the defense of a person accused of crime—attorney's fees, printing bills, compensation for investigative personnel, fees for expert witnesses, to mention only a few, have, in the words of our late President, increased "the role which poverty plays in our Federal system of criminal justice." It is not necessary to be a lawyer or a constitutional scholar to appreciate the fact that this unhealthy condition is at war with the high ideal contained in the phrase "equal justice under law."

The Founding Fathers' overriding concern for the protection of the individual is immortalized in the Bill of Rights. In the mandate of the sixth amendment, they gave dramatic evidence that this concern for the individual did not stop short of the person accused of crime. That amendment to the Constitution of the United States declares:

> In all criminal prosecutions, the accused shall enjoy the right * * * to have the assistance of counsel for his defense.

This provision has generally been interpreted to mean that counsel will be provided in criminal prosecutions in the Federal courts for defendants who are financially unable to retain counsel in their own behalf, unless such defendants expressly waive their right to counsel.

This interpretation of the sixth amendment is restated in rule 44 of the Federal Rules of Criminal Procedure which provides:

> If the defendant appears in court without counsel, the court shall advise him of his right to counsel and assign counsel to represent him at every stage of the proceeding unless he elects to proceed without counsel or is able to obtain counsel.

Just recently, as all of you probably know, the Supreme Court held that the Constitution requires the States to provide a lawyer, on request, for every impoverished defendant in a serious criminal case.

Notwithstanding the fundamental guarantee expressed in the sixth amendment, court decisions, and the provisions of rule 44 of our Rules of Criminal Procedure, the Federal courts have been compelled to develop a hand-to-mouth scheme in the case of an indigent accused; a scheme which makes a farce of due process and the Bill of Rights. At present, a Federal judge appoints any lawyer he wishes—or can get—to defend an indigent without compensation. According to the American Bar Association Special Committee on Defense of Indigent Persons Accused of Crime, the assigned-counsel procedure works something like this:

> Some judges call upon young lawyers, on those whose practice is not large, or on any lawyer who may be in the courtroom at the time. A few judges consider the entire local bar to be available and make it a practice to designate the ablest and most experienced lawyer available, especially in capital cases. * * * (But) many judges are reluctant to appoint a lawyer who has a thriving practice which he will have to set aside in order to defend an indigent client.

This illustration is supported by a survey of Federal courts conducted for the Harvard Law Review which found that, while selection methods varied considerably, all of the courts frequently appointed young lawyers with little experience to represent indigents. That this procedure is a long way from the ideal of equal justice for all is too evident to require any elaboration.

The plight of the courts, the organized bar, and I must add, hapless indigent accused, becomes more apparent when viewed in the context of the present caseload in the Federal courts. According to the Attorney General of the United States, every year nearly 10,000 persons—one-third of all defendants in Federal criminal cases—receive court-appointed attorneys because they cannot afford to pay for their own. A great many more, while able to hire a lawyer, cannot pay for the investigation or expert witnesses "which can make the difference between conviction and acquittal."

In the face of this mounting crisis, a number of solutions have been advanced to promote the cause of justice by providing for the representation of the indigent accused. Prominent among these is the concept of the office of the public defender. I have been privileged to support this approach, and this year introduced H.R. 7963 calling for the establishment of a public defender system as one method of meeting the need for legal representation of our indigent defendants.

Since 1939, a number of bills similar to H.R. 7963 have been introduced in Congress to establish a Federal defender system. The judicial conference of the United States in 1939 first approved of a public defender proposal, and has since reaffirmed its position 17 times. In 1944, a special committee composed of distinguished Federal judges, headed by Judge Augustus Hand, endorsed bills to provide public defenders in the Federal courts. The U.S. Department of Justice has supported this principle since 1937 and has publicly advocated public defender legislation. The ABA has approved the public defender principle since 1939, and in 1958 its board of governors specifically endorsed a bill pending in the 85th Congress.

Mr. Chairman, I wholeheartedly endorse the public defender concept. In my opinion, it represents the most appropriate, efficacious, and expeditious mechanism for ridding us, once and for all, of the present irrelevant financial standard which has crept into our criminal jurisprudence.

Although the bill now under consideration by this House is designed to redress the present unwholesome situation, it falls short of the mark. It is a good step, and one which I shall support if it marks the limits of the majority's will to act, but I think the time has long since passed when we could content ourselves with such limited treatment of so serious a

subject. This bill completely fails to provide for the alternative of a public defender which, as I have already said, is the most appropriate, efficacious, and expeditious vehicle for the eradication of the problem created by the indigent accused. As pointed out in separate views to the committee report by my colleague, the gentleman from New York, Congressman LINDSAY:

> The advantages of a public defender system, particularly in large urban centers, are manifest. A public defender office can provide readily available, experienced specialists at all stages of a criminal proceeding. It can provide the continuity and coverage that criminal court practice in large cities requires.

I think it abundantly clear that the failure of H.R. 7457 to provide for full-time public defenders will work an undue hardship in all areas, large or small, where the indigent caseload has reached staggering proportions.

In contrast to H.R. 7457, a number of proposals, including H.R. 7963, which I have introduced, deal more adequately with the problem of the defense of the indigent and conform to legislation urged for more than a decade by the judicial conference and by all attorneys in recent years.

Under my proposal, each judicial district would be permitted to adopt a plan best suited to its needs, drawn from three alternative options or using a combination of them. The objective is adequate compensation for court-appointed defense attorneys and investigative experts to assure justice for the poor.

The legislation would permit appointment of defense counsel from the ranks of private attorneys, to be paid up to $15 an hour; creation of an office of Federal public defender, with staff, in district with a substantial caseload; or finally, drawing defense aid from bar associations, legal aid societies, and other local defender organizations.

No district plan would operate without approval by the judicial counsel of the district's circuit.

The legal services would begin at the outset of prosecution and continue through final appeal. They would include court representation, necessary investigation work, and expert help.

This, I submit, is a better bill; it is designed to remedy the present emergency situation and, in my opinion, will in the long run, do it more efficiently.

Nevertheless, Mr. Chairman, as I have indicated, even though I do not believe the subject bill goes far enough, it will be a good beginning on a needed reform in our judicial system. Accordingly, it shall have my support and I urge my colleagues to approve it today.

Let me remind my colleagues, in conclusion, of some very wise counsel from one of our finest jurists, Chief Judge Edward Lumbard, of the second circuit, who wrote:

> The manner in which any society administers criminal justice measures the value it places on liberty and the dignity of the individual.

Let us show by approval of legislation adequately protecting the poorest defendant in this country that we do, indeed, place the very highest value on those greatest blessings of our land—the liberty and dignity of our people.

Mr. POFF. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, the concept that all men are equal before the law has been an aspiration of the American people since 1776. We have moved toward the practical achievement of that goal at a somewhat irregular rate; but this bill is one more indication that we are making progress.

The members of the Federal bar deserve great credit for the conscientious hours they have voluntarily given in the defense of indigent clients in the past. Yet I think we must all recognize that there has been a difference in the representation of indigent clients and the more affluent defendants who are able to afford their own private counsel in Federal courts. This bill will go a long way toward wiping out that difference.

It is interesting to me to note that in this matter the States, not the Federal Government, have pointed the way toward greater equality before the courts.

A system analogous to that which would be established by this bill has been in force in the State of Maryland for many years, and I may say it has worked with fairness, with success, and has promoted greater justice toward defendants in our State courts. On the basis of that experience I can recommend to the Members of the House and urge that they support this bill.

I would associate myself with the remarks just made by the gentleman from New Jersey [Mr. CAHILL]. It is not the intention of the committee, and I am sure it would not be the intention of the House, that any small or favored group of lawyers should be chosen to constantly represent indigent clients but, rather, that this bill should be given the broadest possible interpretations in providing competent defense for all who are called to answer at the bar of justice.

Mr. POFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as has already been pointed out in the committee earlier, the Supreme Court has ruled that any man who stands accused before the bar of justice is entitled to competent counsel at every stage of the proceeding. Accordingly, I favor the bill under debate today. But even in the absence of the Supreme Court decision, Mr. Chairman, I would favor this bill as a matter of compassion and conviction. The accused, who is deprived by reason of financial handicap of competent counsel, has been deprived of what I would like to call "total justice," a phrase which I prefer to Mr. Justice Douglas' phrase, "equal justice".

I hope and trust this bill essentially in its present form will be enthusiastically supported and adopted when the Committee rises. As indicated earlier, I will offer an amendment which will have the effect of placing a limitation upon the amount of money which can be paid to expert witnesses, investigators, detectives and others associated with the assembling of an adequate defense.

Now, Mr. Chairman, I come to a point which I think needs to be made. The other body has passed a bill which is now lying on the Speaker's desk. It is my understanding that at the conclusion of the action on this bill a motion will be made to consider the Senate bill, strike out everything after the enacting clause and substitute the language of the House bill as adopted by the House.

If that should be the case, Mr. Chairman, my question to the acting chairman of the committee in charge of the bill, the distinguished gentleman from Colorado [Mr. ROGERS] is: Can we be assured that those who will be the conferees on the part of the House will insist on the House version of the bill when the matter goes to conference?

Mr. ROGERS of Colorado. Of course, as the gentleman well knows, I have very little if anything to do with the selection of the conferees, but as he well recognizes and as we all recognize, when you go to conference if you are selected I think your primary duty is to try to uphold the will of the House. The gentleman also knows that legislation itself is sometimes a compromise. If I were selected, I am not in a position to state but that I would follow through on what the House does.

Mr. POFF. I thank the gentleman. May I add that if I am selected as a conferee I will most strenuously insist upon the House version and will oppose any effort to substitute in the conference report the public defender system as that concept is now written into the Senate bill.

Mr. Chairman, I have no further requests for time.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, I take this time to ask the chairman of the committee handling this legislation one question, that is, whether or not under the provisions of this bill an individual who is for example a naturalized citizen of the United States or a foreigner charged with espionage or an individual who is a known Communist associated with Communist fronts would be eligible for this legal aid.

Mr. ROGERS of Colorado. The defendant in a case charged with espionage or any other crime, upon making a showing to the Court that he was without funds and could not hire a lawyer, would get the benefit of the appointment of an attorney.

Mr. WAGGONNER. Then under these circumstances an individual who openly advocated the overthrow of the U.S. Government would be defended by the U.S. Government?

Mr. ROGERS of Colorado. That is part of our system.

Mr. WAGGONNER. I thank the gentleman.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, I take this time to propound a question to the author of the bill, the gentleman from West Virginia. In his remarks about the public defender concept he indicated

there were some 16 States which provide public defenders that would be smothered if we had the Federal public defender system.

Mr. MOORE. I indicated there were 16 States in part, only 1 in full, that have the public defender system concept in operation. In the balance of the States, the other 15, they are on a local or county basis. I believe the gentleman's county in the State of California has a public defender system.

Mr. CORMAN. Is it the gentleman's contention that these public defenders provide defense in Federal cases?

Mr. MOORE. If they are on the panel made up by the district judges, these public defenders would be utilized for appointment and assigned cases.

Mr. CORMAN. My question is, what is the present practice? Is it the practice of the States to subsidize the defense in Federal courts? It is not in my State. The implication was that a defendant was represented in Federal cases in 16 States, by State-financed public defenders.

Mr. MOORE. No, I did not mean to leave that implication. The public defender system as it applies in those 16 States on a local basis or statewide basis is for those cases which are in violation of State law. They do not provide any assistance for Federal cases.

Mr. CORMAN. It was difficult for me to understand how they would be smothered in view of the fact they do not defend cases in the Federal courts, and a Federal public defender would defend only Federal cases.

Mr. MOORE. If the gentleman will yield, the use of the word "smother" had and did apply, as I used it, to local legal aid societies and private bar associations and I felt a Federal public defender system would smother those particular agencies that were providing counsel for indigent defendants in the Federal field.

Mr. CORMAN. I would just like to say, I support this legislation. I have always felt that half a loaf was better than none, but this is the first time I have had to make a choice between a thin slice and none at all.

Mr. MOORE. I thank the gentleman for his support.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Chairman, I take this time in order to ask the chairman of the committee if he would have any objection to an amendment to this bill which would make ineligible the appointment of any Member of Congress while he is serving as a Member of Congress.

Mr. ROGERS of Colorado. Personally, I do not think it would be germane—this is No. 1. No. 2, that it should not be tied down in that manner and limit the judge in case the judge decides he wants to appoint such counsel.

Mr. JONES of Missouri. May I make this comment in this minute that you have allowed me? I think this is in the area where we have the business of the Congress delayed too much already by the activities of attorneys who spend more time on their law business than they spend on the floor of Congress and delaying the business of this House. I think if the lawyers want to be fair about this thing, they would remove themselves from the likelihood of being appointed as an attorney and getting a $500 fee in addition to the salary they are obtaining while they are a Member of Congress.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. I would like to say to the gentleman from Missouri, I have no objection at all if he wants to offer such an amendment. It would be rather inconceivable that a Member of Congress would be placed on a panel of attorneys by a Federal judge. But out of an abundance of precaution, if the gentleman will submit the amendment, I see no objection to it and I would like it if, perhaps, the gentleman from Colorado might agree.

Mr. Chairman, I yield back the balance of my time.

Mr. FRASER. Mr. Chairman, I appreciate this opportunity to speak briefly in support of this bill for representation of indigent defendants—H.R. 7457. I am one of the cosponsors of this legislation, having introduced H.R. 6499 last May.

The sixth amendment to our Constitution provides, in part:

> In all criminal prosecutions, the accused shall enjoy the right * * * to have the assistance of counsel for his defense.

This bill takes an important step toward implementing that provision of our Bill of Rights. It provides for compensated counsel instead of unpaid volunteers.

Since 1948 I have practiced law in Minneapolis, Minn. Our State courts in Minnesota provide for paid defense attorneys in criminal cases and in some counties full-time public defenders are employed.

The Federal courts, on the other hand, have left the defendant to his own resources. A defendant who can afford to hire his own counsel does so. A defendant without personal resources may ask to have a volunteer, upaid lawyer assigned. He finds the constitutional guarantee of counsel to be a hollow right indeed because he has no money to hire a lawyer.

Three important features of this bill are first, that counsel will serve at every stage of the proceedings; second, the attorney will be paid for his time in court and in the office; and, third, investigators and experts can be hired if necessary to help in the defense.

First. Without this law the usual situation has been that an indigent defendant does not even have a volunteer lawyer during the preliminary examination and grand jury phases of his case. Only when he is finally required to plead guilty or not guilty at the arraignment is he assigned a lawyer today. The bill we are debating would correct this injustice by providing counsel earlier so that the defendant's rights can be protected at every step of the proceeding.

Second. Under present law the unpaid, volunteer lawyer cannot be expected to be as experienced in criminal law or to be as conscientious as a defense attorney receiving legal fees. A compensated attorney is more likely to spend the time necessary to dig out the evidence, find the witnesses and research the law necessary for a full defense.

Third. The third benefit under this bill is the provision for hiring investigators and experts to establish the facts for the defense or to meet the evidence of the district attorney.

Legislation like H.R. 7457 was strongly endorsed by the Minnesota State Bar Association at its convention last spring.

Experienced attorneys and court officials throughout the State support compensated counsel legislation. Typical remarks from letters sent to me are these from William H. Eckley, chief deputy clerk of the U.S. district court in Minneapolis, Gerald M. Singer, experienced defense attorney of Minneapolis, and Murray L. Galinson, former assistant U.S. attorney:

> After more than 30 years in the court for the district of Minnesota, I feel such legislation a necessity because without it the protection of indigent defendants can be a great hardship on attorneys and as a result at times is a hardship for the defendant. In many cases, when appointed, a lawyer is involved in a long case and is taken away from his office for a great length of time at great sacrifice.
>
> WILLIAM H. ECKLEY.

> Denial of paid counsel is in many instances denial of counsel. I feel that an excellent argument could be made that the furnishing of unpaid counsel in many situations might very well violate due process. Many of these people appointed, although admitted to practice and admitted to practice in Federal courts, are just not competent to handle these matters by reason of inexperience in some cases, or in others where the matters are beyond the area of their intellectual interests. In many of these situations, this is the same as not furnishing the defendant counsel. It seems to me the constitutional provision means competent counsel not just counsel.
>
> GERALD M. SINGER.

> After having served as an assistant U.S. attorney and thereby having been involved in numerous criminal matters in the Federal courts, it is my opinion that the pending legislation concerning this area is very much needed. Although the members of the bar are very conscientious in their endeavors to properly represent an indigent defendant in Federal court, it is almost impossible for them to do so adequately without being compensated for the time they spend in investigation, researching, and trying the case. Thus under our present system, a defendant in Federal court who cannot afford to hire counsel is often not adequately represented and thereby deprived of his constitutional guarantee of right to counsel.
>
> MURRAY L. GALINSON.

Yes, Mr. Chairman, this legislation is necessary if we are to make effective the Bill of Rights guarantee of counsel in criminal cases.

However, this bill should be amended to be even more effective. The alternative in the original bill should be permitted to employ full-time or part-time public defenders and necessary staff. I have observed the public defender system in operation in Hennepin County, Minn., for many years. It is an excellent system

that develops the same high quality of experienced legal talent on the side of the defendant as is customary on the side of the public prosecutor. In this Nation where the rights of the individual are valued as well as the rights and powers of the State or the public, a public defender system gives full force to our stated ideals of due process of law. Those U.S. district courts that can or wish to use this system should be permitted to do so.

Mr. Chairman, this bill deserves our support. The right to counsel in criminal cases should no longer depend on the ability to pay. It is time for us to take the dollar sign off the scales of justice in our Federal courts.

Mr. McCULLOCH. Mr. Chairman, I rise in support of H.R. 7457.

In fiscal year ending 1963, criminal trials involving over 30,000 defendants in Federal district courts were terminated by conviction or acquittal. Of these 30,000 defendants, approximately one-third or 10,000 defendants had counsel assigned to defend them by Federal courts on the basis that they were financially unable to obtain their own counsel.

From the founding of our Nation, the Constitution has required that in criminal prosecutions the accused shall be entitled to the assistance of counsel. Since the right of counsel is a hollow right to one who lacks financial resources, the Supreme Court has long held that impecunious defendants shall have the right to counsel appointed by a court.

For years, then, the Federal judiciary has called upon private counsel to devote thousands of man-hours to defend thousands of accused defendants each year. In fiscal 1963, as above described, 10,000 defendants were entitled to and received the assignment of court-appointed counsel. This is as it should be if we are to preserve the equal scales of justice. At the same time, however, we have failed to do total justice to the legal practitioner or those he defends by failing to provide a system of reasonable compensation for services rendered.

In this regard, the Federal Government is decades behind the States. Forty-seven of the fifty States have enacted legislation for compensating counsel. The State of Ohio, for example, has a most fair provision which has worked well for over half a century. In cases of murder or manslaughter, compensation and expenses are provided to the extent the court believes reasonable with most counties placing an upper limit of $500. In other cases of felony, a court is authorized to approve compensation up to $300. Many other States have equally favorable rates of compensation.

There is every reason to expect that in a free society, members of the legal profession shall share the burden of protecting the innocence of those accused of a crime unless and until proven guilty. A lawyer's code of ethics demands such. A system of government based on liberty and justice can demand no less. History has often taught us that the failure of a nation to protect the legal rights of an unpopular defendant is but the first step in its failure to protect the rights of all citizens.

As stated in the Attorney General's report on poverty and the administration of criminal justice:

> The committee believes that positive values are gained from the widespread participation of the bar in these cases. Indeed, we believe many problems in the administration of criminal justice, both at the Federal and State levels, result from absence of involvement of most lawyers in the practice of criminal law. An almost indispensable condition to fundamental improvement of American criminal justice is the active and knowledgeable support of the bar as a whole. There is no better way to develop such interest and awareness than to provide wider opportunities for lawyers to participate in criminal litigation at reasonable rates of compensation. The committee believes it is highly important that the system of adequate representation should encourage rather than obstruct such participation.

In asking the legal profession to shoulder this obligation, however, we should not require that they be unjustifiably subjected to financial disaster. The States do not require this and neither should the Federal Government.

For these reasons, I support the provisions of H.R. 7457 which provide compensation up to $500 for felony cases and up to $300 for misdemeanor cases; which provide reimbursement of counsel for reasonable expenses; and which provide necessary compensation for expert and investigative assistance. With the above ceilings and with the hourly rates of $10 or $15 per hour—depending upon whether services are rendered in or outside of court—counsel will not in every case be granted a profit or even reimbursed for all expenses. We do not so intend and should not so expect. But, by enactment of H.R. 7457, we will properly relieve the financial burden upon court-appointed counsel.

There is a second aspect of H.R. 7457 which is noteworthy. It places the responsibility for defending indigent defendants upon the private bar and local legal aid organizations. The testimony taken before the House Judiciary Subcommittee fully justifies this trust. The Attorney General's Report on Poverty and the Administration of Federal Criminal Justice; a survey of Federal judges and prosecutors conducted by Harvard Law School students; innumerable articles by experts on the subject; and witnesses before the House subcommittee have all stressed that, with limited exceptions, the court-appointed or legal aid attorney has performed commendable service in defending impoverished accused. In many instances, their defense has been superior to that of paid counsel.

Many proposals before the House Judiciary Committee contained authority to establish Federal public defender offices. H.R. 7457, I am pleased to state, does not contain such authority. If it did, I should oppose it at this time.

The establishment of Federal public defender offices would raise Federal bureaucracy to a new level. Each division of each district would demand a defender or assistant defender, together with the accompanying secretaries, investigators and usual overhead. The dedicated work of legal aid organizations—of which over 100 exist in 16 States—would be smothered. Speaking personally, such agencies are doing superb work in Cleveland, Cincinnati, Akron, and Toledo, Ohio. I would dislike to see them submerged by a Federal monolith. The same may also be said for the invaluable work of private attorneys who have volunteered their services through local bar associations.

Most fearful, however, is the clear and present danger that would exist to our basic liberties if a Federal public defender system was established. The language of Mr. Justice Brennan, I believe, sums up my philosophy on the subject as concisely as possible. In a statement printed in Legal Aid Brief Case, November 1, 1956, pages 76 and 77, he said:

> So far as the bar is concerned, I think first of all it must be acknowledged that the primary responsibility for the establishment and maintenance of an adequate number of legal aid officers and committees in all parts of the Nation is one of the cardinal obligations of the legal profession. And, lawyers are among the first in contributions for the financial support of organized legal aid work.
>
> But experience has shown over the years that the need for organized legal aid is greater than the capacity of the profession to satisfy the demand. Equally important, legal aid operates most effectively when it has general community support and the sympathetic consideration and help of the leaders in the community and civic affairs who give their time to it. Financial support is very important, but by no means more important than community assistance in formulating the policies under which legal aid works. And yet laymen have been puzzled at times why lawyers as a group resist the creation of a Government bureau of lawyers to do this work. I think the reason is clear and readily stated and, once stated and understood, widely accepted by Americans generally. The plain fact is that an independent bar is just as essential to the preservation of freedom as is an independent judiciary, or the bill of rights in our Federal and State constitutions. The bar is the creation of a democratic people to intervene as champion between the individual and his Government. Too often in history the citizens of other countries possessing constitutions and bills of rights similar to our own lost their liberties because they did not possess a bar with sufficient courage and independence to establish those rights by a brave assertion of the legal processes developed for their vindication. The fear is that a Government agency of lawyers paid with tax money may be followed by governmental control of the profession. The fear is not so much on the preservation and protection of our democratic form of government. If a citizen opposes his Government, and the lawyers for both parties are paid by the Government, will the citizens get that fearless and resolute representation by his counsel which history proves is essential to the proper administration of justice? If Government-paid attorneys do this work, receiving their salaries from the Public Treasury, will that, despite its innocence, be the first step, the entering wedge, leading to a subservient bar with all that such a bar foretells in the threat to individual liberties not alone of lawyers, but of everyone?

In conclusion, then, I strongly urge the passage of H.R. 7457 which, in upholding our Nation's principle of equal

justice to all, places the obligation for defending the indigent defendant upon the local bar and local legal aid organization, while at the same time seeking to remunerate these groups through reasonable compensation.

Mr. ROGERS of Colorado. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indigent Defendants Act of 1963".

SEC. 2. (a) Title 18 of the United States Code is amended by adding immediately after section 3006 the following new section:

"§ 3006A. Representation of indigent defendants

"(a) In every criminal case arising under laws of the United States in which the defendant appears without counsel, the United States commissioner or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed or assigned to represent him if he is financially unable to obtain counsel. Unless the defendant waives the appointment or assignment of counsel, the United States commissioner or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him or, in the alternative, shall assign a counsel who is made available by a bar association or legal aid society. The United States commissioner or the court shall appoint or assign separate counsel for defendants who have such conflicting interests that they cannot properly be represented by the same counsel, or when other good cause is shown. Counsel appointed or assigned by the United States commissioner or the court shall be selected on a rotational basis from a panel of counsel designated or approved by the judge of each United States district court.

"(b) A defendant for whom counsel is appointed or assigned under this section shall be represented at every stage of the proceedings from his initial appearance before the United States commissioner or court, or from any subsequent stage at which counsel is appointed or assigned, through appeal. If at any time after the appointment or assignment of counsel the court having jurisdiction of the case is satisfied that the defendant is financially able to obtain counsel or to make partial payment for the representation, he may terminate the appointment or assignment of counsel or authorize payment as provided in subsection (e), as the interest of justice may dictate. The United States commissioner or the court may, in the interests of justice, substitute one appointed or assigned counsel for another at any stage of the proceedings. Counsel substituted by the United States commissioner or the court shall be selected on the same basis as counsel originally appointed or assigned.

"(c) An attorney appointed or an organization which made an attorney available for assignment pursuant to this section shall at the conclusion of the representation of any segment thereof be compensated at a rate not exceeding $15 per hour for time expended in court and $10 per hour for time reasonably expended outside of court or before a United States commissioner, and shall be reimbursed for expenses reasonably incurred. A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States commissioner or that court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by an affidavit specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States commissioner or court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall, in each instance, fix the compensation and reimbursement to be paid to the attorney provided, however, that the total compensation to be paid to the attorney for such representation shall not exceed $500 in cases of a felony and $300 in case of a misdemeanor.

"(d) The court, after appropriate inquiry, may authorize the appointed or assigned counsel to obtain investigative, expert, or other services necessary to an adequate defense to each defendant determined by the court to be financially unable to obtain them. The court which authorized the services shall direct the payment of reasonable compensation to the person who rendered the services. A claim for compensation shall be supported by an affidavit specifying the time expended, services rendered, and expenses incurred on behalf of the defendant, and the compensation received in the same case for any other source.

"(e) Whenever the court is satisfied that funds are available for payment from or on behalf of a defendant, the court may authorize or direct that such funds be paid to appointed counsel, to an organization which made an attorney available for assignment, or to any person authorized pursuant to subsection (d) to assist in the representation. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for assisting in the representation of a defendant.

"(f) Each district court and judicial council of a circuit shall submit a report on the appointment or assignment of counsel within its jurisdiction to the Director of the Administrative Office of the United States Courts in such form and at such time as the Judicial Conference of the United States may specify.

"(g) There are authorized to be appropriated to the United States courts, out of any money in the Treasury not otherwise appropriated, sums necessary to carry out the provisions of this section. When so specified in appropriation Acts, such appropriations shall remain available until expended. Payments for such appropriations shall be made under the supervision of the Director of the Administrative Office of the United States Courts.

"(h) The term 'district court' as used in this section includes the District Court of the Virgin Islands, the District Court of Guam, and the district courts of the United States created by chapter 5 of title 28, United States Code."

(b) The table of sections at the head of chapter 201 of title 18 of the United States Code is amended by adding immediately after item 3006 the following:

"3006A. Representation of indigent defendants."

SEC. 3. Each district court and court of appeals shall commence compensation for appointed or assigned counsel within six months from the date of enactment of this Act.

Mr. ROGERS of Colorado (during the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with; that it be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 14, delete the words, "or assigned".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, lines 15 and 16, delete the words, "on a rotational basis."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 4, strike out the word, "interest", and insert "interests".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, after the period on line 4, insert the following:

"If, at any time during the course of the criminal proceedings, including an appeal, the court having jurisdiction of the case finds that the defendant is financially unable to pay counsel whom he had retained, the court may appoint counsel as provided in subsection (a) and authorize payment as provided in subsection (e), as the interests of justice may dictate."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 13, after the period, strike out "counsel substituted by the United States commissioner or the court shall be selected on the same basis as counsel originally appointed or assigned."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 12, strike out "cases" and insert "case."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 14, strike out "after appropriate inquiry" and insert "in an ex parte proceeding."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Poff: On page 4, line 21, after the word "services" strike out the period, insert a semicolon and add the following: "*Provided, however,* That such compensation shall not exceed $500 per person in case of a felony and $300 per person in case of a misdemeanor.

Mr. POFF. Mr. Chairman, as will be seen, the amendment is addressed to

that section of the bill which concerns itself with authority to provide financing to the attorney appointed or assigned to employ expert or investigative services which might be necessary to the perfection of an adequate defense.

Immediately above the language proposed, on the same page the committee saw fit to place a limitation upon the total compensation which the assigned or appointed counsel could obtain. In the case of a felony the maximum is to be $500 and in the case of a misdemeanor the maximum is to be $300.

It seemed to me only appropriate that a similar overall limitation should be placed upon the investigator employed by the counsel, or upon the expert witness employed by the counsel to examine into the factual evidence involved and later to testify in the case.

This alone is what the amendment would do.

I read the pertinent language in order to make a parenthetical explanation. Beginning on line 18 the language is:

> The court which authorized the services shall direct the payment of reasonable compensation to the person who rendered the services.

Then follows the language of the amendment:

> *Provided, however,* That such compensation shall not exceed $500 per person in case of a felony and $300 per person in case of a misdemeanor.

Mr. Chairman, it is the intent of the amendment that the court which is to be empowered, by the first part of the sentence, to determine the amount of compensation, should take into account the amount of time consumed by the investigator or the expert witnesses.

To buttress that intent we find in the following sentence the language:

> A claim for compensation shall be supported by an affidavit specifying the time expended,

Mr. Chairman, for the purpose of legislative history I repeat that it is the intent of the amendment to urge the judge who will decide what is reasonable compensation to apply a time yardstick similar to the time yardstick which is to be applied to the services of appointed or assigned counsel.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from New Jersey.

Mr. CAHILL. The gentleman recognizes, does he not, that many experts have a regular per diem fee which they charge for appearances in court regardless of the time that they may spend in court. In other words, a qualified medical witness may charge $100 or $200 for a court appearance even though he may spend only 30 minutes in the courtroom. Is it the thought of the gentleman that when a doctor appears in furtherance of defense of a criminal case he should be paid on the basis of the actual hours spent in a courtroom, on the same basis as a lawyer would be paid—to wit, $15 per hour—rather than paid a per diem which he might ordinarily receive in a court case when the defendant had a paid counsel?

Mr. POFF. Mr. Chairman, in response to the gentleman's question, it is my strong conviction, first of all, that the practicing attorney owes a responsibility to his community to perform some services gratis. We have heretofore asked him to assume the entire burden in that regard. This legislation is intended to make it possible to lighten his burden. At the same time may I say I think it is the burden of the practicing doctor to assume some of the responsibility to his community which a criminal trial entails. I would think that the judge in determining what was reasonable compensation would be guided by the time yardstick and the dollar yardstick which this legislation lays down for the practicing attorney.

Mr. CAHILL. And that generalization would apply to all experts that were brought into the case, in addition to the medical experts?

Mr. POFF. In addition to the witnesses, those who are employed as investigators who may not be called later as witnesses.

Mr. CAHILL. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. POFF. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from West Virginia.

Mr. MOORE. With respect to the amendment which has been offered by the gentleman from Virginia, I would say for myself, as the author of the bill, that I have no objection to the limitations he seeks to impose on that section of the bill as it applies to investigative services which are provided.

Mr. POFF. I thank the gentleman.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I accept the amendment.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

AMENDMENT OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer an amendment which is perfecting in nature.

The Clerk read as follows:

> Amendment offered by Mr. MOORE: On page 3, line 19, after the word "representation" strike out "of" and insert "or."

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

Mr. MOORE. Mr. Chairman, I offer an amendment which is perfecting in nature.

The Clerk read as follows:

> Amendment offered by Mr. MOORE: On page 5, line 21, after the word "payments" strike out "for" and insert "from".

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

AMENDMENT OFFERED BY MR. JONES OF MISSOURI

Mr. JONES of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. JONES of Missouri: On page 2, line 17, add the following: "No Member of Congress shall be appointed to serve as counsel in any case covered by this Act."

Mr. JONES of Missouri. Mr. Chairman, I think this amendment is very simple. I do not think it is hard to understand. I do not think that any Member of Congress is going to be an active candidate or an active applicant for appointment. Although I think I have observed in times past that Members of Congress, at least by their absence, have delayed the work of Congress. We have a pay bill coming up here supposedly at some time, and I have some amendments that I intend to offer at that time, because I feel that anyone who takes on the obligation as a Representative of Congress should feel that this is his first obligation and his first responsibility. I do not feel that any law practice or any private business should interfere with the service in Congress. I know that in many cases the appointment of a Member of Congress or a member of the legislature also serves as a basis for delay in cases. The Constitution and the laws of the States provide for that, and that would be eliminated.

I have had some questions about the need for this legislation. In the State of Missouri our lawyers there are appointed as counsel for indigent people, and they feel an obligation and accept the obligation.

They feel an obligation and accept the obligation. I have seen some of the best legal talent in the State of Missouri give their time and spend their own money in the defense of indigent people. They felt that that was a part of their obligation as members of the bar. I do not think this amendment is unreasonable in any way and I hope it will be adopted.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment. I hope the House will vote down this amendment. What good purpose would it accomplish? Certainly, Members of Congress have their own duties and responsibilities. The appointments come from Federal judges. Also we provide a method whereby the bar association or the legal aid society may be designated by the judge. Does the gentleman from Missouri [Mr. JONES] want to eliminate members of the bar association as a result of his amendment?

Mr. JONES of Missouri. Is the gentleman asking me a question?

Mr. ROGERS of Colorado. I just do not think it is a proper limitation.

Mr. Chairman, I move the previous question.

The CHAIRMAN. That motion is not in order at this time.

Mr. JOELSON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I would like to ask the gentleman from Missouri [Mr. JONES] this question. Do I understand that the purpose of his amendment is merely that a Member of

Congress may not represent an indigent defendant?

Mr. JONES of Missouri. No, that is not the purpose at all. He could not be appointed. A Congressman may volunteer to serve without pay. Such a case would not be affected at all. But the amendment says that no Member shall be appointed to serve as counsel and make himself eligible for this remuneration. If the gentleman would yield me a little time, since the chairman of this subcommittee wants to get a little rough, I would like to make a statement, too.

Mr. JOELSON. Mr. Chairman, I cannot yield further. I want to say merely this. This amendment, if that is what it does, is certainly well taken. I think there is a conflict of interest involved for a Member of the Federal Congress to practice in a Federal court in any case. It may or may not technically be legal but, as a matter of good practice, I have a great question as to the propriety of it.

Mr. DOLE. Mr. Chairman, I move to strike out the requisite number of words. I take this time, Mr. Chairman, to ask the sponsor of the amendment a question. Would your amendment apply when Congress is in session or at all times?

Mr. JONES of Missouri. This would apply at all times. It says that no Member shall be appointed to serve as counsel in any case covered by this act. I do that so that the attorney for the indigent person could not use his service in Congress as a delay in affording justice in a case. It has been done. It is a common practice. It is one of the things we should get away from. Personally I do not think any Member of Congress has any moral right to use his position in Congress to delay justice. This amendment would serve that purpose.

Mr. DOLE. Mr. Chairman, I believe the gentleman may have a good amendment. I am a lawyer, but without clients, as I stopped practicing law after coming to Congress. May I ask this question? Could the amendment be extended to all Federal employees or would it apply only to Members of Congress?

Mr. JONES of Missouri. This is a limitation as to Members of Congress. If the gentleman wants to offer another amendment to cover others, that is all right; I would have no objection. But I limit this to Members of Congress. I think I have made myself clear. If I have not, I can go further and make it clear. But I think the implication is clear that I have made here.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. DOLE. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Of course, this would not apply to a Member who is not a member of the next Congress?

Mr. JONES of Missouri. Why, certainly not.

Mr. ANDREWS of Alabama. Some of us may be practicing law next year.

Mr. JONES of Missouri. Then the gentleman may be appointed.

Mr. ANDREWS of Alabama. That is the reason I favor this bill.

Mr. DOLE. The amendment perhaps might eliminate some misgivings I have about this measure. It seems that at $15 per hour the taxpayer should be indignant though the defendant might be indigent. It does appear we are setting a costly precedent.

I shall support the gentleman's amendment on the basis it has been spelled out.

Mr. RUMSFELD. Mr. Chairman, I move to strike the requisite number of words.

I would like to ask the author of this amendment a question: As I recall, the Constitution says a Member of Congress shall hold no other office under the United States. It strikes me this amendment may not be necessary. Would the gentleman not say an individual who was appointed by a Federal judge to serve as a defense counsel could be considered in that category?

Mr. JONES. I am not a lawyer. I am not trying to interpret the law, and I am not trying to interpret the Constitution. But if that is the case, this amendment will do no harm if it is passed.

Mr. RUMSFELD. It strikes me this amendment might possibly be too narrow. We have potential problems in other occupations where Congressmen may receive Federal payments for different occupations, such as agriculture, and various other things. It seems to me it might be advisable to look at the whole area.

Mr. JONES of Missouri. When the pay bill comes up I will offer you an opportunity on that matter. But we can make a start here. This is the only opportunity we have on this particular bill. So if the gentleman will support this, at least we will get something started to correct other errors that now exist.

Mr. RIVERS of South Carolina. Mr. Chairman, I move to strike out the requisite number of words.

I do this to ask the distinguished author of this amendment if the purpose of his amendment is to require the attendance of the Members of Congress here, and would this preclude them from any other occupation; for instance, let us say he has had a lot of business in magistrate's court.

Mr. JONES of Missouri. This applies to this act. You can practice in your magistrate's courts if you so desire. This applies to one single act.

Mr. RIVERS of South Carolina. What about other activities of Members of Congress? Say he is at home and talks to his agricultural adjustment administrator, or talks about his cotton allotments, if he did not happen to be a lawyer.

Mr. JONES of Missouri. It so happens I do not have a cotton allotment. I do not draw any Federal pay except as a Member of Congress.

Mr. RIVERS of South Carolina. I am talking about requiring the attendance of Members of Congress here. I understood the gentleman in his original statement to say he wanted to keep the membership here because we would get something done.

Mr. JONES of Missouri. I think this will have a tendency to help that situation. There are other things that could be done which would be helpful. This is only one small act in a broad field that could be covered. This is the only thing, however, we can do at this time in connection with this bill.

Mr. RIVERS of South Carolina. Regardless of the fine intentions behind this, and of course I would not impugn the motives of the gentleman——

Mr. JONES of Missouri. I know the gentleman would not.

Mr. RIVERS of South Carolina. It is bad when we as Members sit here and shoot at each other. I do not think it is good for this institution. We have enough problems with a lot of people shooting at us; but to sit here and take potshots at ourselves, I think, hurts us. We have an abundance of problems besides these innuendoes, and I hate to see an amendment offered which would cast aspersions on us.

Mr. JONES of Missouri. I think support of this amendment would supply the armor to keep you from being shot at. I think you have an opportunity now to show whether you are in favor of participation of Members in outside activities when they should be devoting their time here as a Member of Congress.

Mr. RIVERS of South Carolina. I do not think the gentleman should impugn the motives of those who have outside legitimate interests. So far as supplying armor to keep from being shot, the gentleman will be the first man in history who ever protected a Member of Congress.

Mr. JONES of Missouri. Every man protects himself.

Mr. GOODELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the gentleman from Missouri, the author of the amendment, what the effect of this amendment would be on a partnership in which a Member of Congress is one of the partners.

Mr. JONES of Missouri. I think it is very clear that all this amendment says is that no Member of Congress shall be appointed as counsel in any case covered by this act. I do not think it would apply to a partnership but to the individual himself, because I do not think the court would say that Smith, Jones, and Brown are appointed for this case. The court appoints Mr. Brown, Mr. Smith, Mr. Owens, or somebody else to defend in the case.

Mr. LINDSAY. The gentleman from Missouri is quite wrong. Under Federal court decisions the disqualification of one member of a law firm is imputed to the other members of the law firm, to his partners.

Mr. GOODELL. I do think in reference to this amendment that you are probably disqualifying any law firm in which a Member of Congress is a part-

ner. If that is the case, I think it should be made clear what is sought to be accomplished.

Mr. JONES of Missouri. I am not a lawyer, but I would take exception, I would argue, and I think other lawyers in this body would argue that the individual is the only one who is included in this amendment. Unless that individual was appointed, it would not affect the situation.

Mr. GOODELL. It is the gentleman's intention that if a Member of Congress is a partner in a law firm, the law partners of the Member of Congress and other attorneys working for that firm may be appointed but the Member of Congress himself may not be appointed?

Mr. JONES of Missouri. That would be my intention. I am only attempting to hit at the Members of Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. JONES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: On page 3, line 17, after the word "attorney" strike out all down to the word "pursuant" in line 18.

Mr. WAGGONNER. Mr. Chairman, this is purely a perfecting amendment. Section 3006A(c) now reads:

An attorney appointed or an organization which made an attorney available for assignment pursuant to this section shall at the conclusion of the representation of any segment thereof be compensated at a rate—

Which has already been explained.

It is my intention by this amendment to strike the word "organization" in that the Communist Party, the Civil Liberties Union, or other such organizations cannot be compensated for having furnished an attorney, and to limit compensation to the individual attorneys.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would call attention to the part that the gentleman's amendment seeks to strike out of the bill, and that is the part referring to an attorney appointed or an organization which made an attorney available. I would point out to my colleagues that on page 2, line 9, the bill provides that the U.S. Commissioner or court shall appoint counsel to represent the defendant or in the alternative shall assign a counsel who is made available by a bar association or legal aid society. Hence, the limitation here is as to a bar association or a legal aid society and would not reach to the point that the gentleman from Louisiana is fearful—that we will reach out and appoint the NAACP or some other organization, the exact title of which I do not recall at the moment.

For that reason, Mr. Chairman, we should not adopt this proposed amendment because the judge himself can only recognize the bar association or the legal aid society as provided on page 2, line 9, as I have indicated. The adoption of the proposed amendment would clutter up the bill. But when you strike out the words "or an organization which made an attorney available for assignment," what are you going to do if a judge does select a bar association or legal aid society? By this amendment, you would make it impossible for the court to pay that association.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. WAGGONNER. I think the gentleman has assumed that I meant some organizations that to begin with I did not mention at all, and the gentleman has included organizations which I did not refer to. Therefore, the organizations which the gentleman has included are of his own thinking and not organizations that I have mentioned. But section 3006(A) subsection (b) says that the defendant for whom counsel is appointed or assigned under this section shall be represented at every stage of the proceedings from his initial appearance before the U.S. Commissioner or court or any subsequent stage thereafter.

Mr. ROGERS of Colorado. If my colleague will permit me to say so, what you are talking about is the duty and responsibility of the individual who has been assigned by the court. When you read that language, what you are getting confused here is the fact that it is the judge himself who can recognize a bar association or legal aid society. What you are really getting down to is that you are trying to keep them from being paid by striking this language out by your amendment as I see it.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for a question?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. WAGGONNER. Is it the purpose of this legislation to provide qualified representation for the man accused of being guilty of some crime or is it to aid a legal aid society or a bar association?

Mr. ROGERS of Colorado. It is for the purpose of aiding the indigent defendant and the legislation provides a method whereby the judge may select an individual to represent the defendant. But if there is a bar association or legal aid society in an area that is willing to cooperate and work with the judge, then under this bill they may work together and it is not for any other purpose. The only reason for this reference to a bar association or legal aid society is to make it possible for the judge to work with an organization that has had experience in this area, and that is the only reason.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I am glad to yield to the gentleman.

Mr. WAGGONNER. It is my contention that there are qualified attorneys whom the bench approves who can defend these people without the judge having to go to a legal aid society.

Mr. ROGERS of Colorado. May I answer the gentleman's question. That is the responsibility assigned to the judge. If he makes that decision, then that is his responsibility. If he wants to make a list of those who are qualified to make a defense, he may do so. If he wants to work with a bar association or he wants to work with a legal aid society, he may do so. But in any event, it is for the purpose of aiding an indigent defendant and to protect the defendant's right under the Constitution. Therefore, I believe the amendment should be defeated.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield further?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. WAGGONNER. Is it the gentleman's opinion that the judge in approving the initial list of qualified members of the bar association would completely ignore the bar associations or the legal aid society in preparing an initial list of qualified defenders?

Mr. ROGERS of Colorado. That is the duty and responsibility assigned to the judge in the first instance, and if he is of the opinion that you have a bum bar association that does not know anything about defending defendants, he can completely ignore them.

He could do the same wtih a legal aid society, and assign those who, in his opinion, were qualified. Hence the amendment is not necessary and would defeat the purpose of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

The question was taken; and on a division—demanded by Mr. ROGERS of Colorado—there were—ayes 32, noes 68.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WATSON

Mr. WATSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATSON: Page 3, lines 17 and 18, after word "appointed", strike out "or an organization which made an attorney available for assignment" and insert in lieu thereof "or a bar association or legal aid society which made an attorney available for assignment".

Mr. WATSON. I am sure, as all Members can see, this relates to the same question presented by my distinguished colleague from Louisiana.

Apparently a good many of us, together with the distinguished subcommittee chairman, perhaps believed that if we should delete the particular language "or an organization which made an attorney available for assignment" a legal aid society or a bar association could not be paid under the provisions of the bill. I am sure the chairman of the subcommittee will have no objection to the amendment, because he is the one who selected the language on lines 8 and 9, page 2, "assign a counsel who is made available by a bar association or legal aid society."

The amendment would substitute, in lieu of the simple word "organization", a repetition of the terms used earlier, and that would clarify the whole point.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WATSON. I am delighted to yield.

Mr. ROGERS of Colorado. While I believe the language is absolutely certain, at the same time I have no objection to the amendment, because the objective is to see that the fee is paid according to the designation.

Mr. WATSON. I appreciate the position of the subcommittee chairman.

Mr. ROGERS of Colorado. The language on page 2, line 9, is adequate.

Mr. WATSON. I thank the gentleman. I just want to spell it out, because this is a lawyer's bill, and I am sure some might look at it in another way.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. WATSON. I am glad to yield.

Mr. MOORE. While I do not particularly indorse the amendment, because I do not believe it is really necessary, since the wording does refer back to subsection (a), I have no objection to the amendment at all.

Mr. WATSON. I thank the gentleman very much.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. WATSON].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NIX, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7457) to provide legal assistance for indigent defendants in criminal cases in U.S. courts, pursuant to House Resolution 579, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. ROGERS of Colorado. Mr. Speaker, pursuant to House Resolution 579, I now call up S. 1057 and ask for its immediate consideration.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Criminal Justice Act of 1963."

SEC. 2. Title 18 of the United States Code is amended by adding immediately after section 3006 the following new section:

"§ 3006A. Adequate representation of defendants

"(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for defendants charged with felonies or misdemeanors, other than petty offenses as defined in section 1 of this title, who are financially unable to obtain an adequate defense. Representation under each plan shall include counsel and such investigative, expert, and other services necessary to an adequate defense. The provision for counsel under each plan shall conform to one of the following:

"(1) Representation by private attorneys;

"(2) Representation by private attorneys and a full-time or part-time Federal public defender and assistants;

"(3) Representation by attorneys furnished by a bar association, or a legal aid society or other local defender organization; or

"(4) Representation according to a plan containing any combination of the foregoing.

The office of Federal public defender shall not be established in any district except upon approval of the plan for such district, or modification thereof, by the judicial council of the circuit and the Judicial Conference of the United States on the basis of a finding that the volume of cases in which defendants require the appointment of counsel exceeded one hundred and fifty cases in the last fiscal year for which the Administrative Office of the United States Courts has statistics and that the efficient and economical furnishing of adequate representation cannot be achieved without the appointment of a full-time or part-time Federal public defender. Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for the representation on appeal of defendants financially unable to obtain representation. Consistent with the provisions of this section, the district court may modify a plan at any time with the approval of the judicial council of the circuit; it shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Director of the Administrative Office of the United States Courts of modifications in its plan.

"(b) APPOINTMENT OF COUNSEL.—In every criminal case in which the defendant appears without counsel, the United States commissioner or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives the appointment of counsel, the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. The court shall appoint separate counsel for defendants who have such conflicting interests that they cannot properly be represented by the same counsel, or when good cause is otherwise shown.

"(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—A defendant for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United State commissioner or court, or from any subsequent stage at which counsel is appointed, through appeal. If at any time after the appointment of counsel the court having jurisdiction of the case is satisfied that the defendant is financially able to obtain counsel or to make partial payment for the representation, he may terminate the appointment of counsel or authorize payment as provided in subsection (h), as the interests of justice may dictate. The court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

"(d) SERVICES OTHER THAN COUNSEL.—Counsel for a defendant who is financially unable to obtain investigative, expert, or other services necessary to an adequate defense in his case may file an ex parte application for them to the court. Upon finding, after appropriate inquiry, that the services are necessary and that the defendant is financially unable to obtain them, the court shall authorize counsel to obtain the services on behalf of the defendant. The court may, in the interests of justice, and upon a finding that timely procurement of necessary services could not await prior authorization, ratify such services after they have been obtained. The court shall determine reasonable compensation for the services and direct payment to the person who rendered them upon his filing of a claim for compensation supported by a statement specifying the time expended, services rendered, and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

"(e) PRIVATE ATTORNEYS.—A private attorney appointed pursuant to this section shall at the conclusion of the representation or any segment thereof be compensated at a rate not exceeding $15 per hour for time reasonably expended and be reimbursed for expenses reasonably incurred. A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States commissioner or that court, and to each appellate court before which the attorney represented the defendant. Each claim shall be supported by a statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States commissioner or court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall, in each instance, fix the compensation and reimbursement to be paid to the attorney.

"(f) FEDERAL PUBLIC DEFENDERS.—A Federal public defender who is to serve in any district pursuant to this section shall be appointed by the judicial council of the circuit after receiving recommendations from the district court. Such appointment, whether on a full-time or part-time basis, shall be for a term of four years unless sooner terminated by the judicial council of the circuit for incompetency, misconduct, or neglect of duty. The salary of a full-time Federal public defender shall not exceed that of the United States attorney in the same district; the salary of a part-time Federal public defender shall be adjusted accordingly. The Federal public defender may employ assistant Federal public defenders at salaries not to exceed the highest salary authorized to be paid to an assistant United States attorney in the same district, and part-time assistants at salaries adjusted accordingly. The Federal public defender may also employ full-time or part-time investigative, expert, clerical, and other personnel necessary to the efficient performance of the duties of his office.

"(g) LOCAL DEFENDERS.—A bar association or legal aid society or other local defender organization which furnishes attorneys pursuant to this section shall, at the conclusion of each representation or any segment thereof, be compensated at a rate not exceeding $15 per hour for time reasonably expended by its attorneys and be reimbursed for expenses reasonably incurred. A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States commis-

sioner or that court, and to each appellate court before which the organization's attorneys represented the defendant. The claim shall be supported by a statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States commissioner or court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall, in each instance, fix the compensation and reimbursement to be paid to the organization.

"(h) RECEIPT OF OTHER PAYMENTS.—Whenever the court is satisfied that money is available for payment from or on behalf of a defendant, he may authorize or direct that it be paid to appointed counsel or to any person authorized pursuant to subsection (d) to assist in the representation, or to the court for deposit in the United States Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person may request or accept any payment or promise of payment for assisting in the representation of a defendant.

"(i) APPOINTMENTS BY COMMISSIONERS.—Whenever the geographical range of the district, established practice therein, or the effective administration of justice to secure timely appointments of counsel under subsection (b) or timely authorizations of investigative, expert, or other services under subsection (d), warrant that such appointments or authorizations be made by a United States commissioner, the plan for a district shall specify the circumstances and conditions under which commissioners may exercise authority. Each such plan shall require the United States commissioner to appoint counsel from a roster of attorneys designated or approved by the district court, and to report each such appointment promptly to the district court.

"(j) RULES AND REPORTS.—The Judicial Conference of the United States may, from time to time, issue rules and regulations governing the operation of plans formulated under this section. Each district court and judicial council of a circuit shall submit a report on the operation of the plans within its jurisdiction to the Director of the Administrative Office of the United States Courts in such form and at such times as the Judicial Conference of the United States may specify.

"(k) APPROPRIATIONS.—There are authorized to be appropriated to the United States courts, out of any money in the Treasury not otherwise appropriated, sums necessary to carry out the provisions of this section. When so specified in appropriation Acts, such appropriations shall remain available until expended. Payments from such appropriations shall be made under the supervision of the Director of the Administrative Office of the United States Courts.

"(l) DISTRICTS INCLUDED.—The term 'district court' as used in this section includes the District Court of the Virgin Islands, the District Court of Guam, and the district courts of the United States created by chapter 5 of title 28, United States Code."

SEC. 3. The analysis of chapter 201 of title 18, United States Code, is amended by adding immediately after section 3006 the following new item:

"3006A. Adequate representation of defendants."

SEC. 4. Each district court shall within six months from the date of this enactment submit to the judicial council of the circuit a plan formulated in accordance with section 2 and any regulations issued thereunder by the Judicial Conference of the United States. Each judicial council shall within nine months from the date of this enactment approve and transmit to the Administrative Office of the United States Courts a plan for each district in its circuit. Each district court and court of appeals shall place its approved plan in operation within one year from the date of this enactment.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: Strike out all after the enacting clause and insert in lieu thereof the provisions contained in H.R. 7457 as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7457) was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection it is so ordered.

There was no objection.

NASA ELECTRONICS RESEARCH CENTER FOR SOUTHEASTERN MICHIGAN

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

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

There was no objection.

Mr. RYAN of Michigan. Mr. Speaker, there has been generated a vast amount of interest among the colleges and industry of southeastern Michigan for the location of the proposed new $50 million NASA Electronics Research Center in the southeastern Michigan area.

Since October 17, 1963, an area survey committee has been meeting in Washington, compiling and reviewing information on all sections of the country, including Michigan, which it felt to be pertinent and useful to the Administrator of NASA in selecting the most suitable area.

On December 17, 1963, a group of approximately 100 leaders in business and industry, university administrators and Michigan Congressmen, Governor Romney and a team of experts arrived in Washington to present Michigan's bid for this vast research Center.

The people of the State of Michigan are convinced that we have the necessary university and research capability. The State of Michigan has at least a half dozen 1,000-acre sites within the triangle of the location of the University of Michigan, Michigan State University, the University of Detroit and Wayne State University. The Ann Arbor, East Lansing, and Detroit triangle is the most suitable site for this Center.

The first approach to locate this research Center was made by Mr. Harlan Hatcher, president of the University of Michigan, when he contacted NASA officials about a year ago about considering the State for the Center. He emphasized that this is not a University of Michigan effort. It is a State of Michigan effort, supported by all of the State's resources, and aimed at bettering the economic life of everyone.

I bring to the attention of this honorable body the arguments for the establishment of this Center in southeastern Michigan. University research facilities rank with the best in the Nation. University tools range from electronics laboratories to the Nation's largest university computer at Michigan State University at East Lansing.

The research atmosphere, one of NASA's criteria for the Center, is abetted by two university cyclotrons—University of Michigan and Michigan State University—an atomic reactor—at University of Michigan—one of the Nation's largest radio telescopes, a supersonic wind tunnel and years of experience in astrophysics, astronomical, and radiation research. Michigan research in radar and life support for spacemen also can be cited as a factor.

Industrial research and production facilities in the area are exceptional. There are approximately 300 industrial research laboratories in southern Michigan, as well as 35 electronics and space-oriented industries to serve as a hub to build new and diversified industries.

Half of Michigan's electronic firms are less than 5 years old, making Michigan industry the fastest growing in the Nation.

The research facilities of General Motors Tech, Ford, Chrysler, General Electric, Burroughs, Bendix, Spartan Electric, Jackson; Whirlpool Corp., St. Joseph; Electrovoice, Buchanan; and many others are available.

There is no doubt that the establishment of this NASA laboratory in Michigan would provide a stimulus to the heartland of America, and bring into geographical balance the national capability in the field closely related with the electronic industry.

It is important that the resources of our part of the country be taken into consideration and the fact recognized that they are not presently being used to their fullest capacity.

I would like to include an editorial which appeared in the Detroit Free Press on December 18, 1963, which further emphasizes the fact that Michigan should be awarded this vast electronic Center.

The editorial follows:

UNIVERSITY OF MICHIGAN SPACE AGE BID

The "research center of the Midwest" is the term the University of Michigan has coined for itself. It is a phrase that can acquire greater meaning if the university and Michigan succeed in landing a $50-million electronics Center.

The Center, to be built by the National Aeronautics and Space Administration, will become the hub around which a large electronics industry is expected to grow.

It represents an opportunity for Michigan to make a major breakthrough into the field

of new scientific industries, a field that Massachusetts and California have held as a virtually private preserve.

University of Michigan President Harlan Hatcher led a delegation of university, industry, and Government spokesmen Tuesday to make a bid for the NASA Center at a hearing in Washington.

The potential value of the Center is shown by its having drawn bids from 24 cities. But southeastern Michigan and northern Indiana (Notre Dame) are considered the front runners.

Southeastern Michigan deserves and merits the Center. The University of Michigan, although slow in entering the space and electronics fields, has been fast catching up. The value of research projects won by the university has increased twelvefold in 6 years to $36 million.

The benefits of this program are already apparent in the recent establishment of 31 research and development laboratories in Ann Arbor, at least 12 of them spinoffs from University of Michigan research.

But perhaps the strongest reason for putting the NASA Center in Ann Arbor has nothing to do with its obvious ability to provide brainpower. It is Ann Arbor's attempt to effect a marriage between space age experts and more traditional scholarship in natural and social sciences and the humanities.

University of Michigan has emphasized Government and industrial research while maintaining a broad scientific inquiry in other fields. The Phoenix project, where nuclear knowledge is applied to peacetime projects, is a dramatic example of the university's double role.

Although the Center would be tied closely to the University of Michigan, its benefits would eddy throughout Michigan. The job creation that accompanies new industries would ease unemployment and further diversify the State's economy. It would enhance the vision of an industrial triangle between Ann Arbor, Detroit, and Lansing. It would start a chain reaction, and all of us would benefit from the fallout.

IDAHO RAINBOW TROUT

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

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

There was no objection.

Mr. HARDING. Mr. Speaker, in the November 30, 1963, issue of the Saturday Evening Post there was an excellent article entitled, "He's Forever Chasing Rainbows." It is the amazing story of Robert A. Erkins, a graduate of Notre Dame, and his wife, Barnee, a zoology graduate of Cornell University, who have established a Rocky Mountain trout farm on the Snake River near Buhl, Idaho.

Today the Members of the House of Representatives and their guests who ate in the House dining room were served Rocky Mountain rainbow trout. These fine trout were furnished by Bob and Barnee Erkins from their Snake River trout ranch. Many of the Members have expressed their appreciation for the opportunity of tasting one of Idaho's finest products. We were delighted that Bob and Barnee were able to catch a few hundred of their "rainbows" and send them to Washington. Following is the American success story of Bob and Barnee Erkins and their Snake River trout ranch as it was told in the November 30 Saturday Evening Post.

He's Forever Chasing Rainbows

(By Frank I. Taylor)

For hundreds of years only the sportsman gave much thought to the trout, and he considered the fish to be little more than a wise and elusive adversary. But to Robert A. Erkins, the trout is fast closing in on the hamburger as a basic item in the diet. "Trout is food," he states expansively, "and is one of the answers to feeding our overpopulated world."

While this may sound a bit visionary, Erkins is well qualified to speak on the subject. At 39 he owns the largest trout farm in the world, the Snake River Trout Ranch in Buhl, Idaho, a complex of 90 fishponds filled with 9 million Rocky Mountain trout. This is the most productive acreage on earth: Where an acre on a well-tended dirt farm may produce a yearly harvest of 2,000 pounds of poultry or 500 pounds of beef, each acre of the Snake River Trout Ranch yields 400,000 pounds of rainbows—dressed, packed, and ready for the market. In the past 10 years Erkins has sold some 30 million of the fish.

Bob Erkins, to be sure, is something of a genius in the field. Even as a small boy he showed an unusual curiosity about fish, and on family motor trips he used to insist that his father stop at every fish hatchery on the roadmap. After graduation from Notre Dame and serving in the Navy, Erkins bought the Snake River ranch in 1952 from a retired Utah fish and game expert named Jack Tingey. When Tingey died a year later, Erkins was on his own, helped only by his wife Barnee, a zoology graduate of Cornell, and a staff of 12 men.

Tingey had built the ranch in 1928 and had chosen the site wisely. The Snake River is fed by the largest underground lake on the continent, sealed over by a lava flow thousands of years ago. Insulated by this covering, the water maintains a constant temperature of 58° all year long, and pours through the ranch at the rate of 250,000 gallons a minute. "This is the secret of our success," explains Erkins. "Most hatchery fish have a hatchery taste, because the water isn't changed fast enough to get rid of the fish manure and gases."

Through trial and error Erkins has developed a new procedure for feeding and breeding, perhaps the biggest problem in trout farming. In their natural state, trout migrate over long distances to lay and fertilize their eggs. The female trout, as a rule, will spawn in her third year during the late winter and early spring. Erkins has eliminated the migratory pattern, extended the spawning period from 3 to 9 months, and developed trout that spawn at the age of 2 years rather than 3. "You might say that we've changed the love life of the rainbow a little," says Erkins.

He has been just as resourceful in feeding his fish. Tingey used to give them ground-up beef, but Erkins found this too expensive and began trying other things. "Trout don't have a fixed diet," he explains. "Their diet varies according to species, the temperature and chemicals in the water, the altitude and latitude they live in." His "trout mix" consists of fish meal, brewer's yeast, whey, and soybean and alfalfa meal, with vitamins and minerals thrown in for good measure. His trout grow an inch a month on this diet.

Another Erkins inspiration has enabled him to increase his yield almost tenfold in as many years. Nearly every fisherman has his tall tale about the big fellow that grew to monstrous size because he had a whole pool to move around in. Erkins had a hunch that this oversized trout was simply a cannibal, who ate his companions to cut down on the competition for food. Given enough to eat, he reasoned, several trout could have grown equally monstrous. Putting the idea to a test, he crowded rainbows into his ponds until there was only half a cubic foot of water per adult trout. They grew just as he had expected.

Erkins keeps his fish moving via an assembly line system which takes the rainbows in huge classes every few weeks from the compact hatchery through a series of pools to the four finishing raceways, which hold half a million adult trout at a time. A full-time biologist takes blood tests and checks sample trout from all of the ponds every week to make sure they are healthy and growing on schedule. The fish are even weighed in, as they move from grade to grade. Erkins nets a wheelbarrow full of them and puts it on scales: the undersized rainbows are screened out and sent back to fatten up in a lower grade pool.

Soon after he took over the trout farm, Erkins realized that its output was limited not by the number of trout he could crowd into the raceways, but by the capacity of the packing plant, where even a fast worker could clean only about 1,000 trout per day. His plant superintendent, Ted Eastman, thought he could put together a machine that would do the job, and Erkins told him to give it a try. One year and $10,000 later a Rube Goldberg maze of belts, brushes, sprays, and knives known as the Eviscerator was cleaning 1,000 trout per hour. Workers simply hang the trout, freshly killed by electric shock, on hooks at one end of the machine. Twenty-five seconds later they spew out of the other end, cleaned and ready for quick freezing. Thus Erkins' dream of a 1-year assembly line from eggs in the spawning pond to trout packaged in the freezer became a reality.

In spite of their name, Rocky Mountain trout are no longer peculiar to the Rockies. They have been transplanted to several other lands, and Danish and Japanese fish farmers now share over half the American market. Erkins, however, can claim 30 percent of the domestic market as his own, more than all his American competitors combined. And he has plowed all his profits back into the original plant. As a result, an outfit which initially cost $19,000 is now worth over $1 million. Ten years ago the Snake River Trout Ranch produced 250,000 pounds of trout a year. It now produces 1.5 million pounds.

Much of his success can be attributed to very astute marketing practices. For example, 5 years ago Erkins was astounded to see seven golden-hued fish darting about among the blue-backed rainbows in one of the ponds. Trout experts told Erkins that his goldens were a mutation that could be the beginning of a new strain. Erkins asked a computer expert named Dr. Alexander Dollar to assess the probabilities involved in line breeding his golden rainbows and learned that it would be practical to try to breed them in quantity. Erkins is now ready to market them as a luxury item, and test sales in Kansas City indicate that they will be a big success. "I wouldn't ever convert my whole stock to goldens, though," says Erkins. "Since when did General Motors put out nothing but Cadillacs?"

To top it all, next month Erkins will begin selling live trout to a chain of fish stores in Los Angeles called the Davy Jones Fish Lockers. Built like a lighthouse, each store will contain a closed-circuit hatchery capable of supporting 1,500 pounds of trout for as long as 8 months. Any housewife will be able to purchase a live trout for supper.

Erkins is not saddened at the spectacle of a wily king of the brook being reduced to the level of a smoked herring. "I've never thought that trout were very smart, any-

way," Erkins laughs. "They only seem smart by comparison with the fishermen who try and catch them."

WHO CALLED THE PROPOSED NATIONAL CULTURAL CENTER A MEATBALL?

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

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

There was no objection.

Mr. WIDNALL. Mr. Speaker, during the January 8, 1964, debate in this House on House Joint Resolution 871, the legislation to rename the National Cultural Center the John F. Kennedy Center for the Performing Arts, the gentleman from New Jersey [Mr. THOMPSON] addressed himself to a number of the points which I made in a long statement on January 3, 1964—see CONGRESSIONAL RECORD, volume 109, part 19, pages 25584–25587—with regard to the inordinate size of the proposed building, and the extremely poor site selected for its location.

The gentleman from New Jersey [Mr. THOMPSON] said, and I quote:

> The gentleman from New Jersey [Mr. WIDNALL] asks whether the site is desirable in light of some criticism of it. In answer, let me say simply, that the site has been passed upon by every official agency involved, including the National Capital Planning Commission, the Fine Arts Commission, Presidential advisers, and others.

My colleague, the gentleman from New Jersey [Mr. THOMPSON], suggested that, in the future, I check his remarks more closely. I am happy to report to him that I have checked his remarks more closely, specifically those remarks he made before the Middle Atlantic Regional Conference of the American Institute of Architects, as recently as October 18, 1963, in Annapolis, Md.

I have been urging for some time, as many of you know, the relocation of the National Cultural Center to the north side of Pennsylvania Avenue, and have suggested that the proposed excessively large building designed by Edward Durell Stone, be abandoned in favor of three separate and distinct buildings to house the three auditoriums with their differing purposes.

I have been urging a change in site because, first, the present location is hemmed in by a maze of roads which will make the Cultural Center most difficult of pedestrian access at a time when every effort must be made to increase audiences; second, the present site is on filled land which has been flooded in the past. In comparison the Lincoln Memorial is 30 feet above the Potomac and it is not endangered. Certainly, greater consideration must now be given to the location of this memorial to President Kennedy in order to make certain that a memorial designed for the ages is not irresponsibly located on a site which can be endangered by a spring thaw; third, the present location does not allow for sufficient access and parking facilities, even with the contemplated $15,400,000 federally guaranteed bond issue, to be expended for garage facilities. I think my distinguished colleague from New Jersey will agree that traffic problems will undoubtedly increase now that the Cultural Center has been designated as the sole memorial in the Nation's Capital to the late President Kennedy.

I had thought I had been fairly restrained in my remarks of January 3, but never before have I fully realized my own limitations when it comes to imagery until I read the inspired prose of my friend from New Jersey's Fourth District [Mr. THOMPSON] in his address to the Regional Conference of the American Institute of Architects, on October 18, 1963.

Would that I had said that "these facilities are being banished to an unused park site just north of the Lincoln Memorial," or that I had spoken of the same facilities as "being boxed in one huge, marketable economy package known as the National Cultural Center."

Think of the attention I could have gained had I but conjured up "a mental picture of the Center rising like a huge meatball in the middle of a plate with miles of spaghetti artistically wrapped around it."

My colleague from the State of New Jersey has met this problem of description head on, in a speech which, most unfortunately, has been ignored both by the newspapers and, of late, by the gentleman from New Jersey [Mr. THOMPSON].

It is with hope of correcting this oversight, and insuring that the sentiments expressed in this eloquent speech of October 18, 1963, will be given the full consideration due them by the Members of this House, the members of the Board of Trustees of the National Cultural Center, and President Johnson himself, that I include the entire address in question in the CONGRESSIONAL RECORD. Inclusion of the entire speech, only part of which is concerned with the Cultural Center, will rule out, I hope, any suggestion that these eloquent and imaginative remarks were "lifted out of context."

This speech by our able colleague from New Jersey was called to my attention recently by the Washington representative of one of our Nation's leading cultural organizations, and one which has not been called on—there are others in the same boat—to advise regarding the National Cultural Center, since the advisory committee has not been called on during the past 3 years.

I was immediately struck by the amazing agreement which runs through this speech with similar ideas expressed by the Washington Post, the New York Times, the Washington Building Congress, the Committee of 100 on the Federal City, the President's Advisory Committee on Pennsylvania Avenue and other groups which have looked objectively at the National Cultural Center and its proposed site. I was also struck by the amazing disagreement with the views expressed by our able colleague from New Jersey on the floor of this House on January 8 on the same matters.

The New York Times on December 11, 1963 said:

> The National Cultural Center seems doomed to be a well-landscaped traffic island in the midst of freeways; culture over a giant car park. Pedestrians will undoubtedly be able to burrow over or under the automotive obstacle race, but this is peculiarly bad planning. As it stands now, the National Cultural Center is a well-intentioned gesture, dubiously sited, promising prettiness but shortchanging the possibility of architectural greatness—a backhanded tribute to culture and Mr. Kennedy.

The Washington Post characterized the Cultural Center as "an island in the midst of a spaghetti-maze of arterial highways."

The Advisory Committee on Pennsylvania Avenue was critical of the present plans and site on these grounds: First, the site is so far from the center of the Nation's Capital that it could do little to enrich the city's cultural life; second, the present location is not served by major public transportation facilities. This is one of the few drawbacks to Constitution Hall as a cultural facility. Third, housing all performing arts stages in a single building might result in a structure so large as to be out of proportion to the rest of the city.

In his remarks on January 8, the gentleman from New Jersey [Mr. THOMPSON] said, as I have noted, that "the site has been passed upon by every official agency involved, including the National Capital Planning Commission, the Fine Arts Commission, Presidential advisers, and others."

In this connection, and in order that the Members of this House will be fully advised, there was a most interesting article in the Washington Post of June 7, 1963, which puts this matter in its proper frame of reference. According to this article, a prominent member of the National Capital Planning Commission, Alexander C. Robinson III, said the Commission had been subject to pressure from the White House in the matter of the National Cultural Center. Commission members have been given to understand they are not to discuss alternatives to the proposed Center publicly, said Mr. Robinson.

Mr. Robinson's view at the time was that more thought and public discussion were needed and that the National Cultural Center should have included several buildings and might well have been situated elsewhere.

Asked by the Washington Post what he thought of the proposed $30 million edifice, to be erected in a park overlooking the Potomac River, Robinson laughed, and said:

> We're stuck with it, a glorified boathouse.

Reading further in the remarks of the gentleman from New Jersey [Mr. THOMPSON] of January 8 we find this statement, and I quote:

> Now to the alleged major defects. First the gentleman from New Jersey [Mr. WIDNALL] implies that the Center will be too large for the proposed site. This is not true. The site will be approximately 18 acres, not

9 acres as stated in the gentleman from New Jersey's [Mr. WIDNALL] letter.

This is undoubtedly the first time that any Member of Congress ever heard that "approximately 18 acres, not 9 acres" is to be occupied by the National Cultural Center. As I pointed out on January 3, the plan for the Center developed by Edward D. Stone, as well as publicity issued by the Center's trustees, and articles and statements by Roger Stevens, chairman of the board, calls for only 13 acres. When I brought this up on the floor of this House on August 5, 1963, I was assured by the gentleman from Alabama [Mr. JONES] that no additional land involving Federal funds would be acquired for the National Cultural Center.

In spite of these assurances, officials of the National Cultural Center testified at the hearings on December 12, 1963, that additional acres would have to be acquired by the Federal Government through the National Capital Planning Commission at a cost of some $3.3 million to be appropriated by Congress. Congress has not authorized an enlargement of the site of the National Cultural Center to 13 acres, or to the 18 acres referred to by the gentleman from New Jersey [Mr. THOMPSON]. I am certain that the National Capital Planning Commission will have to have appropriated funds to obtain additional land. In view of the fact that legislation has been introduced in earlier Congresses to provide authority to acquire additional acreage, and this legislation got nowhere it is reasonably certain that, even in the view of the Center's Board of Trustees, such authority does not exist at this time, and has not been provided by the Congress.

The committees of Congress must keep a close and vigilant watch on this matter, or they will find that they are committed to providing additional millions of dollars to acquire further acreage to give the inordinately large building designed by Edward Durell Stone the setting which he obviously thinks this plan deserves.

That the Congress, as well as the General Accounting Office, must keep a constant check on the Board of Trustees of the National Cultural Center is shown by the fact that the Center's trustees have yet to present to Congress a really complete accounting of fundraising activities and of the actual needs of the Cultural Center.

I have checked with the Ford Foundation and find that its $5 million grant is subject to these stipulations.

The Ford Foundation has offered to the National Cultural Center a matching grant of $5 million under the following specific conditions. These conditions stipulate that the National Cultural Center will qualify for the Ford Foundation's grant only when it has raised an additional $15 million from private sources, and that the Center be assured of all necessary funds to complete its construction, and finally, that the Congress extend the life of the September 2, 1958, act offering title of a site of land.

Mr. Stevens has publicly insisted that he has raised $13.5 million, but includes in this $13.5 million the $5 million conditional grant of the Ford Foundation. He actually has only $8.5 million, when the $5 million Ford Foundation grant is excluded as it should be.

Now, again publicly, Mr. Stevens claims he is raising $7 million for an endowment fund. In fact, Mr. Stevens needs this $7 million to go with the $8 million which he may have with cash and pledges in order to qualify for the Ford Foundation grant. Obviously this $7 million is needed for the building fund and not for endowment.

I include at this point the speech by the gentleman from New Jersey [Mr. THOMPSON] to which I have referred:

GOVERNMENT RESPONSIBILITY FOR BETTER ARCHITECTURE

(Speech of Hon. FRANK THOMPSON, JR., Democrat, of New Jersey, before the Middle Atlantic Regional Conference of the American Institute of Architects, Friday, October 18, 1963, Annapolis, Md.)

Earlier this year, two of the Congress' more colorful and aging Members were dueling on the House floor over proposed plans to preserve the old Patent Building—one of the few architecturally significant edifices in the Capital. One was extolling the plans to transform the neo-Palazzo into a portrait gallery, in which would hang historically important pictures. The other growled in return, "Let's keep the art buried in the ground until we can afford such a luxury."

The question wasn't asked then, but it might be put aptly now: If Washington, the Nation's Capital, can't afford to save buildings of architectural significance, who can? And the answer, as we are continuing to prove around our country, is nobody.

The case of the Patent Building is a good example of the first point I would like to make in discussing the Government's responsibility in this matter. And my point is this.

Part of creating a meaningful and beautiful environment for our people is preserving great works from the past. And if the National Government cannot understand this simple proposition, how can we expect anything better from the hinterlands?

So far, the Government has made a pretty sorry record. The Patent Building, for example, has been saved only by strenuous efforts on the part of myself and a handful of other Congressmen. It is a sad truth that among the majority of legislators, art is a nonexistent interest. And thus our occasional victories—such as with the Patent Building—usually can be attributed to widespread apathy of the Congress, rather than any interest on its part.

Listen to this brief rundown of some of the buildings which, for no good reason, have disappeared from the Capital scene:

The home of Francis Scott Key, composer of the national anthem, was cleared off the waterfront to make way for an access road to a bridge bearing his name.

The Union Tavern, a historic meeting place of early statesmen, was razed for a filling station. The probable home of Thomas Jefferson gave way to an auto repair shop, and the Corcoran Mansion was torn down for a five-and-dime store.

There are a number of buildings standing today which have been threatened with demolition in the past and still face an uneasy future. The gay jumble known as the Executives Offices, adjacent to the White House is one; D. H. Burnham's mighty Union Station is another. To his lasting credit, President Kennedy apparently has saved a whole square—Lafayette Square—across from the White House. Several fine, old Federal homes, including the Adams House, were scheduled for demolition to make room for another monumental grouping of Federal office buildings. But now, the stately brick mansions are marked for preservation and the ugly buildings which have already crept in as neighbors are marked for extinction. The new office buildings will go behind the square, where they won't do such violence to their surroundings.

Historic and beautiful buildings have indefinite tenure in Washington, primarily because not enough influential people in Government care enough. There is not sufficient political mileage in making a controversial issue out of good architecture and so few politicians care to; it is easier to seek the middle road; to bless conformity; to satisfy each and every private interest and, above all, to keep the price down.

If this kind of attitude has produced the negative effect of failing to preserve fine testaments from the past, think of what positive damage it has produced in the type of new buildings going up in the Capital.

The biggest and worst outrage perpetrated on the city in recent years is the new House Office Building, which is inching toward completion.

This 80-odd-million-dollar structure is the piece de resistance of one J. George Stewart, Architect of the Capitol. As I am sure you all know, Mr. Stewart is not an architect. He is, however, a former Congressman, and that, rather than his engineering and landscaping background, best explains his current position. He has been "au courant" to the powers that be on the Hill and that sadly has impressed Congress more than professional credentials.

If ever there was an example of a misuse of Government power and a concurrent lack of Government responsibility, J. George Stewart in his influential and official position embodies it.

It is not fair to put all the blame for the Rayburn Building on Mr. Stewart. He was aided by the architect he chose for the job, John F. Harbeson. The two have created the epitome of what might be called the block school of design. The Rayburn Building is such a huge, stodgy mass that it destroys the perspective and balance of Capitol Hill.

Mr. Stewart and Mr. Harbeson have employed the most expensive materials outside and within the Rayburn Building, apparently working on the theory that money can make up for everything. Would it were so.

But, despite numerous outcries within the Congress as well as without, Mr. Stewart remains immovable. And so he continues to wreak his havoc. He is threatening to redesign the west front of the Capitol. He would like to build a $39 million memorial to James Madison on a 2-block plot south of the Library of Congress that was imprudently plucked of its restored townhouses several years ago. And he has his eyes on another two-block area of townhouses as an ideal location for a $65 million library annex.

One almost hopes that Republican dreams of America going bankrupt under a Democratic administration would come true before Mr. Stewart gets around to these new projects.

We could talk all night about Mr. Stewart but there is more to Washington than Capitol Hill—although we Congressmen don't always recognize it.

And in the rest of the city, the story is not much better. The General Services Administration and the Fine Arts Commission are the other official arbiters of Washington's taste. The former lets contracts for Federal buildings and the latter passes judgment on designs to be used not only by the Government but by private builders in the District.

Both have shown a penchant for bad taste. GSA is primarily interested in saving money, therefore, new Federal buildings are con-

structed in the "monumental style" but with everything monumental and decorative stripped away.

And the Fine Arts Commission has proved time and again that it works within the honored bureaucratic tradition of seeking conformity over controversy.

We have a new Commission today—consisting entirely of Kennedy appointees. Let us hope it shows more imagination than its predecessors.

There is plenty to work on and briefly I would like to touch on several items that might be considered on the Commission's agenda of unfinished business:

Because of the vision of L'Enfant's original plan for the Capital City, we have a Mall stretching from Congress to the Lincoln Memorial, which closely resembles a cow pasture. It was not meant to be such by L'Enfant. He envisioned the Mall as the principal thoroughfare of the city, bordered by stately Government buildings, fine mansions, and shops, with people strolling through gardens and stopping to chat on park benches.

But what have we instead. The Mall is a lifeless swath of green, bordered by the back doors of huge, monotonous bureaucratic beehives. And squatting on the Mall itself are a series of ramshackle temporary structures housing Government offices, some of which were built 45 years ago.

Mr. Kennedy is not the first President to order the removal of these eyesores and I hope ere long we shall see the last of them. But once they are gone, the larger problem of how to bring life and utility to the Mall will remain. And the path on which we are moving augurs ill for the future. Consider what one critic has to say about the latest additions to the Mall's skyline: "When you strip a heap of giant marble blocks of their period embellishments, no matter how anachronistic, all you have is a massive heap of giant marble blocks, period. It is then merely a tossup whether you prefer them on stilts and with bleak window ribbons, as displayed by the new Federal office buildings on the south side, or just blank shallow bays, as featured by the Smithsonian's almost completed Museum of History and Technology on the north."

Pennsylvania Avenue is another L'Enfant plan gone amuck. Intended as the city's principal ceremonial route, it is most noted now for its junky commercial structures and its eye-shattering vista from the magnificence of Capitol Hill at one end to absolutely nothing at the other end. Might I say again, it was not intended so.

Currently, a specially appointed committee is studying how to bring the grand avenue up to its potential. The committee's initial deliberations sound ominously as if the thoroughfare may end up as yet another "garden city" creation of useless open spaces interspersed with massive, mono-purpose buildings.

Pennsylvania Avenue would greatly benefit from the entertainment facilities, which instead are being boxed into one huge, marketable economy package known as the National Cultural Center.

The Center will contain a concert hall, a theater and an opera house, each of which by itself could breathe life and verve into downtown Washington.

Instead, housed under one incredibly large roof, these facilities are being banished to an unused park site just north of the Lincoln Memorial.

If the Center was meant as a monument, its location would not be out of keeping. But, as a building to be used, it is isolated from all the related services of the central city. And getting to and from the Center is going to burden Washingtonians with many hours of driving confusion, once the highway fanatics have finished surrounding the Center with a new inner loop highway. I have a mental picture of the Center rising like a huge meatball in the middle of a plate, with miles of spaghetti artistically wrapped around it.

The highway problem at the Center is only a small part of a larger story—the current fight going on in Washington between the proponents of more super-speed roads and advocates of mass transit. The central city badly needs a mass transit system if it is going to survive. It does not need an encircling inner loop to choke off what life still remains in the downtown area. Yet the power of the highway lobbies in Congress is such that the battle for a transit system is strictly an uphill procedure.

There are many other problems that I could touch upon. The commercial district, for instance, is a disgrace. At least it shows that Government taste in Washington is no worse than private taste. The squares and circles along L'Enfant's grand avenues have been turned into useless traffic islands. The beautiful vistas of the Potomac River Valley are fast falling to the greed of real estate speculators, who are building towers along the banks with no sense of or interest in overall planning for the metropolitan area.

With all this, Washington still has many elements of a lovely city and it certainly has the potential for a visually great city. It has benefited from a strong original plan, which has withstood some of the worst ravages of neglect, land speculation and pompous "Beaux Art" theorizing. It has also benefited from the planting of 60,000 trees by a city commissioner in the last century, who may have had a vision of the ugly buildings to come which would need camouflaging cover.

What can we expect in the future? I do not feel it unjust to say that it can't be worse than the past.

President Kennedy has called for a city that "reflects the dignity, enterprise, vigor and stability of our national Government." In general terms, his hopes for the future are embodied in the heralded year 2000 plan. But this is only a rough sketch. A more detailed 20-year development plan for Washington remains uncompleted.

Good planning would undoubtedly help. But it can't really solve the Capital's problem's until the Government itself takes a lead. That it can do so is evidenced by the great embassies built during the Eisenhower years by some of our most notable architects.

The Government can at least do as much for its own campsite. In short, the power is there. The Government need only care enough and I am sure you, the architects, can provide the imagination and the perspective required to rank Washington among those cities which ennoble as well as serve mankind.

A NATION LAMENTS

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

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

There was no objection.

Mr. GOODELL. Mr. Speaker, all Americans were stunned and agonized by the sudden, senseless, violent death of our President. We grieve and are sick at heart that such an abominable thing could occur to him and to us. We salute his bravery, his brilliance, and his patriotism. We marvel, humbly, at the majestic fortitude of his wife and family.

Under the darkened sky of these black-bordered days since the President fell, I have talked with many of John Kennedy's former colleagues and friends in the House of Representatives and the Senate of the United States. Many of them differed with Mr. Kennedy on matters of public policy; all of them respected his qualities of mind and wit and heart. The differences of conviction amongst us never engendered the bitterness and gall of hatred and bigotry. His colleagues miss him and mourn his tragic death more than words can express.

As I reminisce upon the almost 3 years that I served in the U.S. Congress while John Kennedy was President, I think less about our differences than about our agreements. Yes, we differed, and I will continue to differ on issues affecting the health and life of our country. But our ultimate objectives were always the same. On many occasions we in the Congress of both parties were able to substitute legislation for the President's proposals that accommodated our differences in the best interests of the people. I think, for instance, of the Manpower Retraining Act, of the higher education bill, of vocational education, of defense expenditures, of equal pay for women, of a tax cut and, this year, the need for civil rights legislation. Yet, on those many issues where differences of philosophy extended beyond the reach of accommodation, we shall miss John F. Kennedy as a worthy and articulate adversary. God grant that he may rest in peace and be cherished forever in the hearts of his countrymen.

We turn to thee, O God, who are from everlasting to everlasting, grateful that a riderless steed, upon which millions have gazed with appalled eyes, is not a symbol of a leaderless nation, and that history assures us that in every crisis, Thou dost raise up men to carry on Thy mission for the redemption of humanity.

Thus the Chaplain of the U.S. Senate opened the proceedings the morning after President Kennedy's funeral. We can all be thankful that Lyndon Johnson has the competence and the seasoned background to provide a reasonably smooth transition in this time of national crisis. From the moment of tragedy, all Americans were aware that a strong and steady hand was at the helm. President Johnson's moving and forceful address to the joint session of Congress symbolized our unity to the entire world. He well understood when he spoke that differences of conscience and conviction will persist among our people as long as we are "the land of the free and the home of the brave." As President Johnson so concisely put it:

Our American unity does not depend on unanimity.

One of John Kennedy's favorite words, and one of mine too, in describing democracy is the word "diversity." As we strive to dispel hatreds and bitterness from our ranks, let us never strive for conformity. Vigorous dissent and public debate are the very touchstones of our American experience and American success. We have bigots and hate mongers in our midst. We always have.

Hate is a horrible emotion, severing all meaningful ties to God and to man. It must be controlled, moderated, understood, and intelligently attacked. Let us keep this in perspective, however. If the survival of our country depended upon the complete eradication of hate and bigotry in every individual, we would never have survived into the 19th century. With all of John Kennedy's strivings for change in the things he disliked about our system, he never doubted the essential strength and rightness of America. The haters are not, and never have been, in the mainstream of American life. I sincerely believe that the general temper of our society today is typified by growing understanding and compassion for others. Our achievements are less than perfect, our efforts often less than effective, yet it is hard to think of a time when there has been so much concern by so many for the dignity of all men. In the dread aftermath of a black chapter in our history, let us not lose sight of the qualities that marked the reaction of the overwhelming majority of Americans to the President's death. That reaction was not one of violence and hate, but an outpouring of deep, earnest and personal grief. This does reflect the true temper of the American people.

RESIDUAL OIL QUOTAS—A LETTER TO PRESIDENT JOHNSON

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

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, as of course you know, coming from New England as you do, the matter of residual oil quotas continues to impose an unnecessary $30 million burden on New England's economy. The unfairness of these residual oil quotas is provoking increasing outrage and protest.

The quotas are indefensible in reason and logic. They are not accomplishing their stated objective of helping the coal industry. All they are doing is adding an increased burden to New England's economy and one which we can ill afford in this competitive day and age.

President Johnson's call for thrift and frugality is one that all of us can applaud. Now the question will be whether he means what he says and whether he will help foster thrift and frugality in New England—the homeland of this concept—by removing the residual oil quotas which he can do if he wants to by the stroke of a pen.

In connection with residual oil quotas, Mr. Speaker, I am including in the RECORD an exchange of correspondence between President Lyndon Johnson and Avery Schiller, president of the New Hampshire Electric Co.

The exchange of letters between President Johnson and President Schiller follows. I commend their thoughtful reading to my colleagues:

THE WHITE HOUSE,
Washington, December 2, 1963.

Mr. AVERY R. SCHILLER,
President, New Hampshire Electric Co., Manchester, N.H.

DEAR MR. SCHILLER: In addressing the Congress last week, I pledged my administration to the utmost of thrift and frugality, and to get a dollar's value for every dollar spent.

I have directed the heads of all Government agencies to accelerate immediately their efforts to operate their programs at the lowest possible cost. The Secretary of Defense has already established a cost reduction program aimed at achieving annual savings of $4 billion, through efforts now in process or planned by fiscal year 1967, and he has further committed his Department to realizing $1.5 billion of these savings in the current fiscal year. More than 55 cents out of each defense dollar is spent by its contractors. It is for this reason that I am calling on you personally to assist me and the Secretary in achieving further significant reductions in defense expenditures.

It is my desire that you establish an affirmative program of cost reduction in the performance of defense contracts, both those which you now hold and those which you may subsequently receive. If you already have such a program in being, then I call on you to accelerate, expand, and intensify this effort.

I have asked the Secretary of Defense to take into account the accomplishments of contractors who successfully reduce the cost of defense procurement, when making future source selections, and in determining profit and fee rates on noncompetitive negotiated contracts.

I have also discussed this program with the Director of the Budget and the Comptroller General.

The Secretary of Defense's letter, elaborating this program is enclosed. It has my fullest endorsement.

Sincerely,

LYNDON B. JOHNSON.

DECEMBER 27, 1963.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We applaud enthusiastically the economy moves which you and Secretary McNamara have initiated in the Defense Department and in reply to your respective letters of December 2, 1963 (received December 16, 1963), assure you of our cooperation, as a prime contractor, in the furtherance of your objectives. In fact, it is a matter of more than a little satisfaction to us to be able to report that the two defense installations to which we deliver electricity, namely, Portsmouth (Kittery) Navy Yard and Pease Air Force Base, each are paying a lower price for that electricity today than at any other time in their respective histories.

Prices might be further reduced to these installations as well as to the public in general if the anti-New England import restrictions on residual oil imports were removed or greatly liberalized. Because of our geographical location, we are in a very high cost fuel area. This is a potent factor in producing relatively high electric rates and in causing our utilities to look to atomic energy to offset the high cost of fossil fuels. It produces a set of circumstances under which it can be predicted with a reasonable degree of confidence that electricity from the atom will become competitive in New England sooner than in most regions of the Nation. It, therefore, is not a question, so far as residual oil imports are concerned, whether or not oil is more or less expensive than coal but whether or not either or both can hold the line against the atom. It is our considered opinion that the removal of import restrictions on residual oils, in the long run, will be beneficial to the fossil fuel industries in that it will tend to delay a relatively large scale construction of nuclear powerplants. In the meantime, the removal certainly will be beneficial to the people of New England.

Your recently announced program of scrutinizing Federal jobs and personnel is a bold and courageous move which must have the approbation and approval of every thinking American taxpayer. May your efforts along these and other lines be crowned with success.

Sincerely,

A. R. SCHILLER,
President.

COMMITTEE ON BANKING AND CURRENCY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tomorrow to file a report on S. 1309.

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

There was no objection.

AMERICA'S 10 OUTSTANDING YOUNG MEN OF 1963

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

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

There was no objection.

Mr. BRADEMAS. Mr. Speaker, the U.S. Junior Chamber of Commerce has just announced its selection of the 10 outstanding young men of 1963. These 10 young men—each of whom has achieved impressive success in his own field of endeavor—were chosen by a panel of distinguished citizens from hundreds of nominees. Their backgrounds and achievements are quite different but they do share one qualification for the TOYM trophy—all are 35 years old or younger.

My pleasure in this year's selection is heightened by the fact that one of those chosen for the award is my good friend and colleague from the State of Indiana, our distinguished junior Senator, the Honorable BIRCH BAYH, JR.

I want also to pay particular tribute to two of the other awardees, one of whom I had the privilege of nominating for this award, Prof. Zbigniew Brzezinski, director of the Research Institute on Communist Affairs at Columbia University, and the other, George Stevens, Jr., of Washington, another friend, the extremely able director of film production for the U.S. Information Agency.

Having had the honor of receiving this award myself in 1962, I know what satisfaction the winners of these awards must feel this year.

Mr. Speaker, I ask unanimous consent to include in the RECORD the short biographies of these 10 outstanding young Americans, as they appear in the January 28, 1964, issue of Look magazine. To all of 1963's winners, my heartiest congratulations.

AMERICA'S 10 OUTSTANDING YOUNG MEN OF 1963 AS SELECTED BY THE U.S. JUNIOR CHAMBER OF COMMERCE

Picking the 10 outstanding young men from hundreds who are recommended looks like a formidable chore, but every year since 1942, a panel of distinguished citizens has done it for the U.S. Junior Chamber of Commerce. Over two decades, the TOYM trophy has been not only a reward for deeds done, but in many cases a herald of future achievement. A partial list of past winners: John F. Kennedy (1946), Richard M. Nixon (1947), Nelson A. Rockefeller (1944), Henry Ford II (1945), Dr. Tom Dooley (1956), Leonard Bernstein (1944), and Bill Mauldin (1946). The 1963 TOYM won out in a field of 200. Their backgrounds and outlooks are diverse, but they have in common youth and a self-confidence that stops short of brashness. Each will get a trophy inscribed: "The Hope of Mankind Lies in the Hands of Youth and Action." The presentations will be made during an awards congress in Santa Monica, Calif., January 24–25, at the Santa Monica Civic Auditorium.

JEROME P. CAVANAGH, MAYOR OF DETROIT, MICH.

Opponents said that Jerome Cavanagh entered the 1961 mayoralty race just to get enough publicity to run for prosecuting attorney later. He lacked support from any major business or labor group, or the two Detroit metropolitan newspapers, but he won by 42,000 votes.

At 35, Cavanagh is self-effacing enough to kid about his Irish jowls and call himself "We." He is also confident enough to crack down on labor abuses at Detroit's showplace, Cobo Hall, win the respect of minority groups and put through a 1-percent municipal income tax to help end a budget deficit.

Mayor Cavanagh has great riches: a beautiful wife and seven children. His political career is just beginning. Who knows? "We" might win even bigger offices someday.

ZBIGNIEW K. BRZEZINSKI, EDUCATOR, SCHOLAR

The last name is pronounced Bre-zin'-ski, and the man who bears it is a leading expert on the weird gyrations of the Communist bloc. Dr. Brzezinski doubles as director of the Research Institute on Communist Affairs and professor of public law and government at Columbia University.

As a vocal demonologist, he gets criticism for being too hard, and too soft, on communism, but the rebuttal is that he probably understands the use of political power better than his critics. An oversimplified version of Brzezinski's attitude might read: Make the cost of aggression too high for the Communists, and the rewards of peace great. Thus, Dr. Brzezinski would like to see U.S aid used to promote the independence of the East European satellites, which could be called a "soft" attitude. At the same time, he wants immediate response if Allied access to Berlin is threatened. The response? Harass Soviet shipping to Cuba. Brzezinski muses, "You have to have a sense of nuances."

THOMAS S. MACKEY, BUSINESSMAN, ENGINEER

Tom Mackey was 26 when he went to Texas City, Tex., to prepare his company's bid for a large but financially unpromising tin smelter. It had been run for 15 years, at a loss, by the Federal Government. The Mackey offer on behalf of the Wah Chang Corp. was the low one, and Mackey immediately took over as manager of the plant.

Since 1958, the smelter has produced about one-third of U.S. requirements for tin, at a profit. The difference between the Mackey operation and the Government's several hundred fewer employees, new processes, and work routines. The Wah Chang smelter is the only nonunion plant in Texas City, but the employees seem to like it that way.

While running the plant, Mackey has also found the hours to complete most of the requirements for a Ph. D. in engineering from Rice Institute at Houston and expects to have his degree by June. If pushed, he will admit that he has made full use of his time.

A. LEON HIGGINBOTHAM, JR., LAWYER

Leon Higginbotham was 34 when President Kennedy nominated him for the Federal Trade Commission. He became the youngest man ever appointed to that body and the first Negro Commissioner of a Federal regulatory agency. He's proud of that.

The Commissioner's job followed a brilliant academic career at Antioch College and Yale Law School, and tours of duty in Philadelphia as assistant district attorney and in private practice. Higginbotham believes: "Negroes have an obligation to foster maximum motivations among young people to develop their potential." Last fall, President Kennedy nominated him for a Federal district judgeship. The nomination is pending before the Senate Judiciary Committee, chaired by JAMES O. EASTLAND, Democrat, of Mississippi.

FREDERICK L. YATES, TELEVISION PRODUCER

Ted Yates has a refreshingly difficult time taking himself seriously, but the hard fact is that he is a superb television producer. His shows have three times won an Emmy Award, the TV equivalent of the Oscar. Two Emmys were for "David Brinkley's Journal." Yates is now bringing his wit and dissatisfaction with the status quo to bear on a number of color documentaries that will feature Brinkley.

JOHN M. CARTER, EDITOR

Every month, Kentucky-born John Mack Carter sits down in his Park Avenue office and decides what 8,220,000 women will read in McCall's. His biggest problem and greatest pleasure is the rising level of sophistication and interest in world affairs shown by the women of America. John Carter says, "We haven't caught up with the ladies yet."

EDGAR F. FOREMAN, U.S. REPRESENTATIVE

The youngest Member of the 88th Congress, conservative Republican ED FOREMAN won himself a post on the powerful House Armed Services Committee. He wars on waste in Government for the 660,000 people of Texas' 16th Congressional District.

JAMES W. WHITTAKER, MOUNTAIN CLIMBER

Jim Whittaker of Redmond, Wash., and the University of Seattle is the first American to stand on the summit of Mount Everest. He toiled to the top on May 1, 1963, backed by an expedition that poured 5 months and $400,000 into the effort. With 29,028-foot Everest conquered, Whittaker plans to lead smaller expeditions and teach mountain climbing.

BIRCH E. BAYH, JR., U.S. SENATOR

Indiana's junior Senator is a former collegiate boxing champion who would now rather reason with his opponents. In 1962, he fought his way into the Senate past GOP stalwart Homer E. Capehart, supposedly unbeatable. BAYH now serves on the Senate Judiciary and Public Works Committees, and is especially concerned with the problems of juvenile delinquency and conservation.

GEORGE STEVENS, JR., MOTION-PICTURE SERVICE DIRECTOR

George Stevens tells our story to the rest of the world—on film. At the U.S. Information Agency, he oversees the production and distribution of more than 600 films a year. Although they are intended to sell the United States, USIA films also deal with our troubles, like the struggle for racial equality. Stevens is in the business of exporting truth.

FUTURE FARM PRICE SUPPORT POLICY IN VIEW OF RECENT DEVELOPMENTS

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PURCELL] is recognized for 30 minutes.

Mr. PURCELL. Mr. Speaker, as a member of the House Committee on Agriculture and as chairman of the Subcommittee on Wheat, I have devoted a great deal of time to a study of the current economic plight of commercial agriculture. I am distressed that farm prices dropped to 76 percent of parity in December 1963—their lowest level in relation to the prices paid by farmers since 1939.

I am distressed that net farm income fell slightly in 1963 and may fall further in 1964, even though profits and wages are setting new records.

I am equally distressed by the lack of agreement among farm leaders regarding appropriate governmental policies for meeting today's problems.

A few days ago, Secretary Freeman appeared before our Wheat Subcommittee and reported that for the past 3 years this administration has sought to develop commodity programs directed to the basic goals of reducing surplus stocks, holding down Government costs and strengthening farm income.

I am proud to have been able to lend a helping hand in these endeavors. I was one of those who believed that a certificate program for wheat, combined with marketing quotas, if approved by a two-thirds majority, would be the most effective way to achieve the goals of higher income, reduced stocks and lower Government costs.

But I am not one of those who would turn his back on wheat producers and their economic problems simply because they failed to approve marketing quotas by a two-thirds majority in May 1963.

As yet, no other system has been designed that can match the productive capabilities of our family farms. And as long as overproduction and low prices are the silent companions of abundance, commodity programs will be essential to the viability of the family farm system. As long as scientific and technological change proceeds at such a pace that output per farmworker grows 6 percent or more a year, commodity programs will be necessary for the economic survival of our family farm system.

Commodity programs designed to cope with the superproductivity of our family farms today are not welfare programs, but they are essential adjustment

mechanisms in otherwise chaotic situations.

I realize that a good many of the Members of this House have become frustrated with the lack of agreement among farm leaders and the conflicting counsel and advice they have received on what can and should be done to solve the farm problem. Even more important, I am afraid they have been misled by farm leaders and farm spokesmen who would turn back the clock—people who say that the farmer's problem is just too much Government in agriculture.

Most of us recall our childhood days with pleasant memories. But we cannot return to them. Neither can we return to the simpler economic life of earlier years.

I was especially pleased to hear President Johnson's plan to reduce Government spending in the year ahead. But I was even more pleased to be assured that in this reduced budget there will be "the most Federal support in history for education, for health, for retraining the unemployed, and for helping the economically and the physically handicapped."

Mr. Speaker, I want to take this opportunity to call to the attention of the Members of this body the results of a series of unbiased studies on the contribution of farm programs to farm income. These studies, covering a period of years, all made by dedicated agricultural economists in the U.S. Department of Agriculture and in the land-grant colleges, reach similar conclusions—that farm programs have made an important contribution to farm income in recent years. They show that it is a great misconception to believe that farm income would be improved in the near future if Government programs were abolished. They show that it is a misconception to believe that current commodity programs can be phased out in a few years without serious income losses to farm families.

I am moved to call these studies to your attention today because in a very short time we will be given an opportunity to vote on another wheat bill. At that time some farm leaders will be saying they are in favor of liquidating all commodity programs as quickly as possible in the interests of improving farm families' opportunities to earn even better incomes. These farm leaders in effect are asking you to disregard the objective, unbiased conclusions of agricultural economists in several different land-grant colleges and in the U.S. Department of Agriculture. The most recent of these studies, completed a few months ago by the center for agricultural and economic development at Iowa State University, concludes that after allowing for the effects of lower prices on production, in the absence of production adjustment and price support programs, net farm income within a few years would fall 40 percent or more.

When the results of this most recent study were brought to my attention, I asked how its conclusions compared with those reached in earlier, similar studies. Here is what I found:

Walter Wilcox of the Legislative Reference Service, Library of Congress, in an article published in the Journal of Farm Economics, August 1958, concluded "in the absence of price supporting programs realized net farm income on a year-by-year basis would have been 20 to 55 percent lower in the years 1937–39, 14 to 43 percent lower in 1940–42, 24 to 34 percent lower in 1948–49, and 28 percent or more lower in 1952 to date."

Professor Shepherd and associates at Iowa State University in August 1960—Iowa Agricultural Experimental Station special report 27—estimated that if price supports, production controls, and the conservation reserve were abandoned, within a few years the prices of hogs and beef cattle, respectively, would decline to $0.11 and $0.12 per pound. The price of corn would fall to $0.66 per bushel, and wheat prices would fall to $0.74 per bushel. Net income from livestock products might fall by 50 percent.

Using a somewhat different basis, and assuming a continuation of export subsidies and Public Law 480 programs, economists in the Department of Agriculture and in the land-grant colleges made a study for the Senate Agriculture Committee—Senate Document No. 77, January 1960—which indicated that the removal of price supports and production limitations would result in a 46-percent drop in realized net farm income by 1965.

This study indicated that if commodity programs were discontinued, prices of key farm products would be expected to fall to the following levels:

Wheat, $0.90 a bushel; corn, $0.80 a bushel; beef cattle, $0.15 a pound; and hogs, $0.11 a pound.

Professor Robinson of Cornell University, in a similar study published in Farm Economics, 1960, concluded that even though a conservation reserve of 30 million acres, marketing orders and special distribution programs were continued, if direct price supports and acreage controls were dropped, net farm income would fall 19 percent. Hog prices would fall to $0.14 a pound, beef cattle to $0.15 per pound, wheat to $1.18 a bushel and corn to $0.98 a bushel.

Professor Brandow of Pennsylvania State University in a study for the Joint Economic Committee (Committee Print, November 1960), estimated that with price supports and production limitations removed, realized net farm income by 1965 would fall to $7.2 billion or 36 percent below the 1959 level. His projections indicated wheat prices would fall to $0.87 a bushel, corn to $0.77 a bushel, hogs to $0.11 a pound and beef cattle to $0.17 a pound.

Professor Heady, executive director of the center for agricultural and economic adjustment, Iowa State University, and his associates reviewed the results of these earlier studies and, using revised and more comprehensive statistics, analyzed the effects on farm income, Government costs and consumer food outlays of 16 alternative wheat and feed grain programs. (Farm Program Alternatives, CAED Rept. 18, May 1963.)

Needless to say the study is so detailed only a few of the highlights can be reported here. They conclude that the excess capacity of agriculture in 1960 and 1961 amounted to 7 percent. This percentage of potential output was avoided by diversion and conservation programs or was diverted from commercial markets by domestic and foreign distribution programs.

If that additional 7 percent had been channeled through commercial markets, farm prices would have fallen 28 percent, gross income would have fallen 21 percent, and net income would have fallen over 60 percent.

These university agricultural economists—after reviewing recent statistics with the most comprehensive and up-to-date analytical tools—estimate that within a 2-year period, a 10-percent drop in farm prices would bring about only a 1-percent reduction in supplies. In a 4-year period, a 10-percent drop in prices would be expected to result in a 1½-percent reduction in output.

In a period as long as 20 years, they conclude that if farm prices were 10 percent lower under one program than under another, production would be only 6 percent lower.

These basic price-supply relationships as analyzed by competent economists give the lie to those who say that if Government price support programs were discontinued farm families would be able to earn higher incomes within a short while.

Professor Heady and his associates find that after allowing for the effect of lower prices on production—if all price supports, diversion, conservation and export subsidy programs were discontinued for feed grains and wheat—within the next 5 years net farm income would fall by more than $5 billion a year or about 40 percent.

They also find that grain production would increase faster than livestock production could be expanded and carryover stocks of grains would have to be increased for several years to avoid an even more chaotic price and income bust.

Let me repeat, this most recent study by Iowa State University economists concludes that if price supports, acreage diversion, and export subsidy programs for wheat and feed grains are eliminated, carryover stocks would have to be increased for several years, yet net farm income would fall by 40 percent.

On the other hand, they conclude, if a combination of price support, acreage diversion and export subsidy programs are continued, farm income can be maintained at current levels without further increases in Government costs. And to me this conclusion is as important as the earlier one.

Let me repeat again, the agricultural economists at Iowa State University conclude that if price supports are continued as necessary to reduce carryover stocks to desirable levels and hold them there, farm income can be maintained at recent levels without an increase in Government costs.

These conclusions are similar to those of U.S. Department of Agriculture economists as reported by Secretary Freeman in his testimony before the House and Senate Agriculture Committees in recent months.

If we can believe this large group of agricultural economists who have studied

the problem over a period of years—contrary to what some farm leaders will say—we do not have the choice of either maintaining current programs and current farm income or of dismantling them with no more than a short period of modestly lower farm income.

Secretary Freeman, when he appeared before our Wheat Subcommittee recently reported that since 1960 farmers and the Nation have benefited from an increase of some $2.5 billion in net farm income, in part due to improved farm programs. Farmers invested $521 million more in tractors, $900 million more in autos and $310 million more in other farm machinery and equipment in the past 3 years than otherwise would have been possible with a 1960 level of income. The increase in gross farm income also enabled farmers to spend more for purchased feed, fertilizer, household furnishings, clothing, and food.

Professor Heady and his associates at Iowa State University estimate that if current price supports, export subsidies and diversion programs for wheat and feed grains are discontinued, within a few years, net farm income will decline by more than $5 billion a year, while Government costs of the farm program will decline about $1 billion a year. In other words—while saving perhaps $1 billion in Government costs, over $5 billion in net farm income would be lost if current wheat and feed grain programs were discontinued.

So long as unemployment is a national problem, so long as an expansion of the economy is a national goal, it does not make sense to take Government actions which result in a sharp income decline in a particular segment of the economy.

In my opinion a temporary wheat program for 1964 and 1965 should be authorized by new legislation within the next few weeks, thereby maintaining wheat acreage and prices at recent levels. Such action would further our national economic goals as well as contribute to equity. If we do this, both the wheat and the feed grains programs will expire in 1965 and can be renewed and extended as a joint program.

Looking forward to the longer period ahead, we should develop integrated and realistic, voluntary programs for wheat and feed grains—and perhaps also for cotton—which maintain or increase producers' incomes, maintain stocks at desirable levels, and reduce Government costs.

I believe it can be done. The recent studies by the agricultural economists at Iowa State University indicate it can be done.

It should be the business of the next Congress to see that it is done.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHEPPARD, for Wednesday, January 15, 1964, through January 27, 1964, on account of official business.

Mr. PEPPER, for Wednesday, January 15, through Friday, January 24, 1964, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. PURCELL (at the request of Mr. KASTENMEIER), for 30 minutes, today, to revise and extend his remarks, and to include extraneous matter.

EXTENSION OF REMARKS

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

Mr. HARDING, his remarks today and to include a magazine article.

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

Mr. GILBERT.
Mr. ELLIOTT.
Mr. SICKLES.
Mr. CELLER.
Mr. ST. ONGE.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7406. An act to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes.

SENATE ENROLLED BILL SIGNED

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

S. 1604. An act to amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the transfer of producer rice acreage allotments.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p.m.) the House adjourned until tomorrow, Thursday, January 16, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1532. A letter from the Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to authorize appropriations during fiscal year 1965 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes"; to the Committee on Armed Services.

1533. A letter from the president, Georgetown Barge, Dock, Elevator & Railway Co.; transmitting the report of the Georgetown Barge, Dock, Elevator & Railway Co. on its operation for calendar year 1963; to the Committee on the District of Columbia.

1534. A letter from the Comptroller General of the United States, transmitting additional information relative to a report to the Congress in January 1962, relating to overpricing in excess of $1 million by the Magnavox Co., Fort Wayne, Ind., for certain electronic spare parts furnished to the Department of the Air Force under sole-source procurements (B–133369); to the Committee on Government Operations.

1535. A letter from the Sergeant at Arms, U.S. House of Representatives, transmitting a statement in writing exhibiting the several sums drawn by him pursuant to sections 78 and 80 of title 2, United States Code, the application and disbursement of the sums, and balances, if any, remaining in his hands, pursuant to title 2, United States Code 84; to the Committee on House Administration.

1536. A letter from the Chairman, National Mediation Board, transmitting a copy of the 29th Annual Report of the National Mediation Board, including the report of the National Railroad Adjustment Board; to the Committee on Interstate and Foreign Commerce.

1537. A letter from the Assistant Secretary of the Interior, relative to a proposed concession contract which will authorize Dr. Watson M. Lacy to continue to provide medical and hospital services for the public on the south rim of the Grand Canyon National Park, pursuant to 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1538. A letter from the Secretary of the Treasury, transmitting a draft of a proposed bill entitled "A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard"; to the Committee on Merchant Marine and Fisheries.

1539. A letter from the Chairman, Atomic Energy Commission, transmitting a draft of a proposed bill entitled "A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes"; to the Joint Committee on Atomic Energy.

1540. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of a proposed bill entitled "A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes"; to the Committee on Science and Astronautics.

1541. A letter from the Secretary of State, transmitting the Third Annual Report on the Operations of the Center for Cultural and Technical Interchange between East and West (East-West Center), pursuant to Public Law 86–872, summarizing the activities of the Center during fiscal year 1963; to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. PATMAN:

H.R. 9631. A bill to increase to 12 the number of members of the Federal Reserve Board, and for other purposes; to the Committee on Banking and Currency.

By Mr. GRABOWSKI:

H.R. 9632. A bill to authorize a study of methods of helping to provide financial assistance to victims of future flood disasters; to the Committee on Banking and Currency.

By Mr. GURNEY:

H.R. 9633. A bill to authorize improvements for beach erosion control at Fort Pierce, Fla., to the Committee on Public Works.

By Mr. HARDING:

H.R. 9634. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and

Air Force equipment and provide certain services to the Girl Scouts of the United States of America for use at the 1965 International Senior Girl Scouts Roundup Encampment, and for other purposes; to the Committee on Armed Services.

By Mr. WHITE:

H.R. 9635. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Girl Scouts of the United States of America for use at the 1965 International Senior Girl Scouts Roundup Encampment, and for other purposes; to the Committee on Armed Services.

By Mr. RAINS (by request):

H.R. 9636. A bill to amend section 701 of the Housing Act of 1954 to make Indian reservations eligible for urban planning assistance thereunder; to the Committee on Banking and Currency.

By Mr. VINSON:

H.R. 9637. A bill to authorize appropriations during fiscal year 1965 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. OLSEN of Montana:

H.R. 9638. A bill to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of phosphate on the public domain; to the Committee on Interior and Insular Affairs.

By Mr. RYAN of New York:

H.R. 9639. A bill providing grants-in-aid to assist the States to staff community mental health centers constructed under the Community Mental Health Centers Act; to the Committee on Interstate and Foreign Commerce.

By Mr. BONNER:

H.R. 9640. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLER of California:

H.R. 9641. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations; and for other purposes; to the Committee on Science and Astronautics.

By Mr. SICKLES:

H.R. 9642. A bill to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.J. Res. 890. Joint resolution to authorize appointment of a Presidential Commission on Automation; to the Committee on Education and Labor.

By Mr. KORNEGAY:

H.J. Res. 891. Joint resolution to authorize and direct the Secretary of Agriculture to conduct research into the quality and health factors of Flue-cured tobacco; to the Committee on Agriculture.

By Mr. EVINS:

H. Res. 608. Resolution to provide funds for the study and investigation authorized by House Resolution 13; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. FINO:

H.R. 9643. A bill for the relief of Angelo Recine; to the Committee on the Judiciary.

By Mr. GURNEY:

H.R. 9644. A bill for the relief of Dr. Gabriel Antero Sanchez (Hernandez); to the Committee on the Judiciary.

By Mrs. KEE:

H.R. 9645. A bill for the relief of Mrs. Lydia Schmidt Thompson; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 9646. A bill for the relief of Gervasie A. Minoza; to the Committee on the Judiciary.

By Mr. SICKLES:

H.R. 9647. A bill for the relief of C. R. Sheaffer & Sons; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

624. By the SPEAKER: Petition of Josephine Kirkpatrick and others, Tucumcari, N. Mex., to repeal or amend provisions relating to the construction of the Interstate System, and to legislate legitimate controls on the Bureau of Public Roads; to the Committee on Public Works.

625. Also, petition of Henry Stoner, Avon Park, Fla., relative to the Special Report of the Surgeon General on smoking, and suggesting legislation to cease immediately all Federal subsidies in any form whatsoever to the American tobacco industry or to American tobacco farmers, otherwise, the U.S. Government is particeps criminis to the cancerization of its own people; to the Committee on Agriculture.

626. Also, petition of Henry Stoner, Avon Park, Fla., requesting Congress to restore to use the U.S. constitutional noun "militia" in referring to various State National Guards; to the Committee on Armed Services.

627. Also, petition of Henry Stoner, Avon Park, Fla., relative to the House of Representatives publishing as a House document a complete investigation and report on Federal operation of business enterprises for profit; to the Committee on House Administration.

628. Also, petition of Henry Stoner, Avon Park, Fla., requesting a congressional investigation and report on beer drinking comparable to that made on smoking cigarettes; to the Committee on Interstate and Foreign Commerce.

629. Also, petition of Henry Stoner, Avon Park, Fla., requesting Congress to implement the recommendations of the report of the President's Commission on Registration and Voting Participation, filed November 26, 1963; to the Committee on the Judiciary.

630. Also, petition of Henry Stoner, Avon Park, Fla., requesting Congress to consider the proposition of having the U.S. Panama Canal Zone operated and controlled by the Organization of American States; to the Committee on Merchant Marine and Fisheries.

SENATE

WEDNESDAY, JANUARY 15, 1964

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

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

Eternal Spirit, far above us, yet deep within us, in communion with Thee we find peace for our spirits and power for our tasks. Even as in the problems we face there so often come to us disappointment, disillusionment, and often hopes deferred bordering on despair, we bow in gratitude for the mercies beyond our deserving which hallow our days—the sacrament of friendship, the opportunities for service, the joys and privileges of a free life.

Thou knowest that we supremely care for our schools, our homes, our churches, and for the welfare of our communities. O Thou God of our salvation, put courage, we pray Thee, into our hearts, understanding into our minds, and strength into our arms. Give us a long look and a deep faith in the kingdom of God and of good that shall yet come on the earth. Send us forth, we beseech Thee, with the baptism of Thy spirit, so to live and work that we shall help leave behind us a fairer world in which Thou canst rear Thy human family.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, January 14, 1964, was dispensed with.

ATTENDANCE OF SENATORS

The following additional Senators attended the session of the Senate today:

GORDON ALLOTT, a Senator from the State of Colorado, and NORRIS COTTON, a Senator from the State of New Hampshire.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1604) to amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the transfer of producer rice acreage allotments.

The message also announced that the House had passed the bill (S. 1153) to amend the Federal Airport Act to extend the time for making grants thereunder, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HARRIS, Mr. WILLIAMS, Mr. FRIEDEL, Mr. MACDONALD, Mr.

JARMAN, Mr. HEMPHILL, Mr. BENNETT of Michigan, Mr. SPRINGER, Mr. DEVINE, and Mr. SIBAL were appointed managers on the part of the House at the conference.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief morning hour, to be continued until 12.08 p.m., and that at that time a quorum call be instituted.

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

TRANSACTION OF ROUTINE BUSINESS

The PRESIDENT pro tempore. The morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

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

APPROPRIATIONS FOR PROCUREMENT OF CERTAIN VESSELS AND AIRCRAFT FOR THE COAST GUARD

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (with accompanying papers); to the Committee on Commerce.

REPORT OF DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

A letter from the Chairman, District of Columbia Redevelopment Land Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency, for the fiscal year ended June 30, 1963 (with an accompanying report); to the Committee on the District of Columbia.

REPORT ON OPERATIONS OF CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST (EAST-WEST CENTER)

A letter from the Secretary of State, transmitting, pursuant to law, a secret report on the operations of the Center for Cultural and Technical Interchange Between East and West (East-West Center), for fiscal year 1963 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON SETTLEMENT IN OVERPRICING CERTAIN ELECTRONIC SPARE PARTS FURNISHED DEPARTMENT OF THE AIR FORCE BY THE MAGNAVOX CO.

A letter from the Comptroller General of the United States, reporting, pursuant to law, on the settlement of a case involving the overpricing of certain electronic spare parts furnished the Department of the Air Force by the Magnavox Co., Fort Wayne, Ind.; to the Committee on Government Operations.

REPORT ON OVERBUYING AND UNNECESSARY OVERHAUL COSTS RESULTING FROM FAILURE OF THE AIR FORCE TO FOLLOW NAVAL PRACTICE IN CERTAIN CASES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overbuying and unnecessary overhaul costs resulting from failure of the Air Force to follow the Navy's practice of separating accessories from spare reciprocating aircraft engines, Department of the Air Force, dated January 1964 (with an accompanying report); to the Committee on Government Operations.

EXPANDED SURVEY CONTROL BY U.S. COAST AND GEODETIC SURVEY—RESOLUTION

Mr. KEATING. Mr. President, I present, for appropriate reference, a resolution adopted by the board of directors of the Nassau-Suffolk Civil Engineers, Inc., requesting that Congress authorize the U.S. Coast and Geodetic Survey to expand its program of precise survey control in areas of expanding population and high rate of land development.

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

There being no objection, the resolution was referred to the Committee on Commerce, as follows:

Whereas land development is increasing with our expanding population, which creates a need for accurate property surveys; and

Whereas the continued high rate of land development causes the destruction and loss of precise survey control, necessary for its continued growth; and

Whereas the growing space, missile, and highway program has expanded the need for widespread survey control: Therefore be it

Resolved, That the board of directors of the Nassau-Suffolk Civil Engineers, Inc., on the 10th day of December 1963, ask the U.S. Congress to authorize an expansion of precise survey control, in areas of expanding population, and same to be established by the U.S. Coast and Geodetic Survey of the Department of Commerce.

NATIONAL HOLIDAY OF COLUMBUS DAY

Mr. KEATING. Mr. President, I present for appropriate reference a resolution adopted on December 21, 1963, by the United Italian-American Labor Council, Inc., calling upon the support of Congress and the President for the enactment of S. 108, which would establish Columbus Day as a national holiday.

This measure, of which I am a cosponsor, is pending before the Senate Judiciary Subcommittee on Federal Charters, Holidays, and Celebrations. I am hopeful prompt action can be taken.

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

There being no objection, the resolution was referred to the Committee on the Judiciary, as follows:

FOR COLUMBUS DAY NATIONAL HOLIDAY

Whereas every year Columbus Day is a legal holiday by Presidential proclamation and is a legal holiday in more than two-thirds of the States of the Union; and

Whereas Columbus Day symbolizes the discovery of the New World, of which the United States is its most powerful country, with a vital role of leadership for the progress of civilization and the defense of peace and freedom; and

Whereas in many countries of Latin America October 12 is celebrated as a great national holiday; and

Whereas bills are pending in Congress, among them S. 108, to make Columbus Day a national holiday; and

Whereas several State legislatures have petitioned Congress to act favorably on those bills; and

Whereas the AFL–CIO has officially taken a strong position for an early approval of this debt of gratitude to the great navigator who discovered this hemisphere; be it

Resolved at this 22d annual conference of the United Italian-American Labor Council, held on December 21, 1963, in the Hotel Commodore, New York City, to call on the President of the United States, Hon. Lyndon B. Johnson, to give his influential support to this proposal; be it further

Resolved, To call on the chairman of the Committee of the Judiciary to release as soon as possible, and favorably, S. 108 so that both Houses of Congress may soon vote to make October 12, Columbus Day, birthday of the New World, a national holiday for the United States of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 249. Resolution providing additional funds for the investigation of migratory labor; (Rept. No. 817).

ADDITIONAL FUNDS FOR COMMITTEE ON PUBLIC WORKS

Mr. McNAMARA, from the Committee on Public Works, reported an original resolution (S. Res. 259), which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Public Works, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to flood control, navigation, rivers and harbors, roads and highways, water pollution, public buildings, and all features of water resource development.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1964, to January 31, 1965, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,600 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1965.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $125,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. MONRONEY, from the Committee on Commerce:

John R. Reilly, of Iowa, to be a Federal Trade Commissioner.

BILLS INTRODUCED

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

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 2425. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Girl Scouts of the United States of America for use at the 1965 International Senior Girl Scouts roundup encampment, and for other purposes; to the Committee on Armed Services.

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

By Mr. JOHNSTON:

S. 2426. A bill to amend title II of the War Claims Act of 1948 to provide for the judicial review of determinations made thereunder; to the Committee on the Judiciary.

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

By Mr. HUMPHREY (for himself, Mr. HART, and Mr. CLARK):

S. 2427. A bill to establish a Commission on Automation, Technology, and Employment; to the Committee on Labor and Public Welfare.

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

RESOLUTION

ADDITIONAL FUNDS FOR COMMITTEE ON PUBLIC WORKS

Mr. McNAMARA, from the Committee on Public Works, reported an original resolution (S. Res. 259) to provide additional funds for the Committee on Public Works, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. McNAMARA, which appears under a separate heading.)

LOAN OF CERTAIN EQUIPMENT AND PROVISION OF CERTAIN SERVICES TO GIRL SCOUTS OF AMERICA

Mr. JORDAN of Idaho. Mr. President, for myself and the senior Senator from Idaho [Mr. CHURCH], I introduce, for appropriate reference, a bill authorizing the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Girl Scouts of America for use at the 1965 International Senior Girl Scouts roundup encampment to be held in our great State of Idaho.

The people of the Gem State are highly honored that the Girl Scouts have chosen our Farragut Wildlife Management Area as the site of their fourth triennial roundup. We are looking forward to July 1965, when an expected 11,000 Girl Scouts and officials will flood into Idaho, not only from every State in the Union, but also from many other nations of the world. This bill is practically identical to other such bills offered in the past in connection with this roundup. The authority it entails for Defense Department manpower, equipment, and supplies to be used by the Girl Scouts will greatly ease the job of carrying out this tremendous undertaking. However, no expense shall be incurred by the Government for either the delivery or return of this equipment, which will include cots, tents, blankets, refrigerators, and many other items.

It is my understanding that the two Representatives from Idaho are today introducing companion bills in the House of Representatives. Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

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

The bill (S. 2425) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Girl Scouts of the United States of America for use at the 1965 International Senior Girl Scouts roundup encampment, and for other purposes, introduced by Mr. JORDAN of Idaho (for himself and Mr. CHURCH), was received, read twice by its title, referred to the Committee on Armed Services, 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 (a) the Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Girl Scouts of the United States of America, a corporation created under the Act of March 16, 1950, for the use and accommodation of approximately eleven thousand Girl Scouts and officials who are to attend the International Senior Girl Scouts roundup encampment to be held in July 1965, at Farragut Wildlife Management Area, Idaho, such tents, cots, blankets, commissary equipment, flags, refrigerators, vehicles, and other equipment as may be necessary or useful to the extent that items are in stock and available and their issue will not jeopardize the national defense program.

(b) Such equipment is authorized to be delivered at such time prior to the holding of such encampment, and to be returned at such time after the close of such encampment, as may be agreed upon by the Secretary of Defense and the Girl Scouts of the United States of America. No expense shall be incurred by the United States Government for the delivery and return of such equipment and the Girl Scouts of the United States of America shall pay for the cost of the actual rehabilitation and repair or replacement of such equipment.

(c) The Secretary of Defense, before delivering such property, shall take from the Girl Scouts of the United States of America a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

SEC. 2. The Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to provide to the Girl Scouts of the United States of America, in support of the encampment referred to in subsection (a) of the first section of this Act, such communication, medical, engineering, protective, and other logistical services as may be necessary or useful to the extent that such services are available and the providing of them will not jeopardize the national defense program.

SEC. 3. Each department of the Federal Government is hereby authorized under such regulations as may be prescribed by the Secretary thereof to assist the Girl Scouts of the United States of America in the carrying out and the fulfillment of the plans for the encampment referred to in subsection (a) of the first section of this Act.

AMENDMENT OF TITLE II OF WAR CLAIMS ACT OF 1948, TO PROVIDE FOR JUDICIAL REVIEW OF DETERMINATIONS THEREUNDER

Mr. JOHNSTON. Mr. President, I introduce, for appropriate reference, a bill to amend title II of the War Claims Act of 1948 to provide for judicial review of determinations made thereunder.

The question of judicial review for claimants under the War Claims Act has frequently been discussed and there are many arguments both pro and con.

It is estimated that there are approximately 35,000 claimants covered by recently enacted amendments to the War Claims Act, and it is estimated that approximately $300 million will be required to satisfy the claims.

With this program of such magnitude just beginning, there is sincere concern that every American who feels he has received an inadequate award should have a right to his day in court. While all of us believe in this maxim it is difficult under existing legislation to provide judicial review of the Foreign Claims Settlement Commission's decisions since under statutory provisions the Commission must wind up this program within 4 years.

It is our intention to hold hearings on this proposed amendment to get the views of interested parties and agencies in order to determine what is right, just, and possible.

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

The bill (S. 2426) to amend title II of the War Claims Act of 1948 to provide for the judicial review of determinations made thereunder, introduced by Mr. JOHNSTON, was received, read twice by its title, and referred to the Committee on the Judiciary.

PROPOSED AMENDMENT OF CONSTITUTION RELATING TO SUCCESSION TO THE PRESIDENCY AND VICE PRESIDENCY—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Under authority of the order of the Senate of December 12, 1963, the names of Mr. BIBLE, Mr. BURDICK, Mr. MOSS, Mr. PELL, and Mr. RANDOLPH were added as additional cosponsors of the joint resolution (S.J. Res. 139) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the power and duties of his office, introduced by Mr. BAYH (for himself and Mr. LONG of Missouri) on December 12, 1963.

ANNOUNCEMENT OF HEARINGS BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. ELLENDER. Mr. President, I announce, for the benefit of Senators, as well as the public, that the Committee on Agriculture and Forestry met this morning and agreed to begin hearings on all cotton bills before us and, in fact, all phases of the cotton problem on January 28 at 10 a.m. We hope to conclude the hearings on or before February 3.

We hope to start hearings on wheat legislation on the afternoon of February 3, and to continue through the 5th, and on the 6th and 7th we hope to have before us the administration witnesses. We shall make every effort to close the hearings on the 6th or 7th. Soon after February 17, after the Lincoln birthday holiday, we hope to report a bill to the Senate for its consideration. I ask the majority leader and the minority leader to help us conclude Senate action on the bill before March 1.

NOTICE OF HEARING ON STATUS OF FEDERAL PRISON SYSTEM

Mr. LONG of Missouri. Mr. President, the Subcommittee on National Penitentiaries of the Committee on the Judiciary will hold a hearing on January 22, 1964, in room 5302, New Senate Office Building, at 10 a.m., on the present status of our Federal prison system.

NOTICE OF HEARING ON NOMINATION OF MR. TYLER ABELL

Mr. JOHNSTON. Mr. President, a public hearing on the nomination of Mr. Tyler Abell to be an Assistant Postmaster General for the Bureau of Facilities of the Post Office Department will be held on Tuesday, January 21, 1964, at 10:30 a.m. in room 6202 of the New Senate Office Building.

The hearing will be held before the full committee.

Anyone wishing to testify may arrange to do so by calling Capitol 4-3121, Extension 5451.

NOTICE OF RECEIPT OF NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that yesterday the Senate received the nomination of Ellsworth Bunker, of Vermont, to be the representative of the United States of America on the Council of the Organization of American States, with the rank of Ambassador.

I further announce that today the Senate received the nomination of Edwin M. Martin, of Ohio, to be Ambassador to Argentina, and the nomination of C. Burke Elbrick, of Kentucky, to be Ambassador to Yugoslavia.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

SENATOR SIMPSON'S AMENDMENT TO THE FOREIGN ASSISTANCE ACT—USE OF PRIVATE ENTERPRISE IN TECHNICAL ASSISTANCE

Mr. JORDAN of Idaho. Mr. President, one of the most constructive amendments to the foreign aid bill was offered by the distinguished junior Senator from Wyoming [Mr. SIMPSON]. His amendment would encourage the use of private enterprise in technical assistance under the Foreign Assistance Act, rather than the use of Federal agencies for this purpose.

The Senator from Wyoming stated:

Private enterprise and initiative have been the dominant factors in the development of the United States, and if we are to expect other nations to follow in this philosophy we must utilize these basic principles to the fullest extent in the implementation of our assistance programs.

The Senator's logic was so clear and sound that his amendment was adopted by the managers of the bill, without opposition. Mr. Holmes Alexander, an astute analyst of current affairs, praises Senator SIMPSON in his column of November 21, 1963, for the McNaught Syndicate, Inc. The article is entitled "Uncle and Senator SIMPSON," and I ask unanimous consent that it be printed in the RECORD.

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

UNCLE AND SENATOR SIMPSON

(By Holmes Alexander)

WASHINGTON, D.C.—In Costa Rica, where the Alliance for Progress is trying to open up new lands, there was need for a mapping survey.

Three well-qualified U.S. firms submitted bids to the Agency for International Development (AID). They were International Geotechnics & Resources, Inc., of White Plains, N.Y., Aero-Service, Inc., of Philadelphia, and Fairchild Equipment & Camera Co., of Los Angeles. Although it's a cardinal principle of the Alliance that private investment shall be encouraged, these firms didn't get the work. The reason, succinctly stated, was this:

"Uncle's got it."

Uncle Sam, in this instance, was the U.S. Corps of Engineers. The Engineers, through their subsidiary, the Inter-American Geodetic Survey, have got the Latin American mapmaking business sewed up.

Another firm, Lockwood, Kessler & Bartlett, of New York City, had an eye on a $150-million irrigation project at Yaque del Sur in the Dominican Republic. The company ran into the same blank wall.

"Uncle's got it."

This time Uncle Sam was doing business under the alias of the Tennessee Valley Authority (TVA). That's a laugh because TVA despite its multitudinous activities, doesn't do irrigation work. TVA officials, upon inquiry, could name only one member of its staff with previous experience in irrigation.

An engineering firm in Minnesota, not anxious to have its name used, saw an opportunity to prepare drawings and specifics for a technical assistance facility in Trinidad. No use—"Uncle's got it." AID had already given the contract to the Agriculture Department.

Senator MILWARD SIMPSON, Republican, of Wyoming, who looks like a shrewd country lawyer but has studied at the Harvard Law School, took these and similar matters to the Senate floor last week. He noted with approval that the House of Representatives and the Senate Foreign Relations Committee had both recommended the encouragement of private enterprise in technical assistance under the new Foreign Assistance Act. But he noted with disapproval that a section of the existing law, the Humphrey amendment, contradicts these recommendations by authorizing AID to hire Federal agencies, as illustrated in the given examples.

Veteran Washington legislators have become purblind to such inconsistencies. In this session, it's often been the new men—like SIMPSON—who see why Federal enterprise keeps grabbing the business which should go to free enterprise. SIMPSON offered an amendment to block the loophole. He had an airtight case. Senators FULBRIGHT, HUMPHREY, MORSE, JAVITS, and AIKEN supported the Simpson amendment which passed without making much news on the voice vote.

So far, so good—but the Kennedy administration has a record of talking private enterprise, but of favoring Federalia. It's going to take constant vigilance by business, and business-minded legislators, to see that American capitalism—a term we should use more often—gets the call over socialism. Senator MORSE, Democrat of Oregon, who has led this year's tighten-up fight on foreign aid, congratulated SIMPSON, saying:

"I am trying to move the bureaucrats out and the entrepreneurs in."

That's the language of capitalism. We need more of it.

Mr. SIMPSON. Mr. President, will the Senator from Idaho yield?

Mr. JORDAN of Idaho. I yield.

Mr. SIMPSON. Not only am I flattered, but I am also honored to have the distinguished Senator from Idaho place in the RECORD this all-too-flattering editorial. I express to him my appreciation for his courtesy in doing so.

Mr. JORDAN of Idaho. I thank the Senator from Wyoming. He justly merits the praise Mr. Alexander gives him.

ECONOMY IN THE SENATE

Mr. ROBERTSON. Mr. President, before our distinguished President sends us, next week, an economy budget, I wish to commend him for advocating economy in spending, and to say that I think that economy, like charity, should begin at home. By that, I mean that for Senators, economy should begin on the floor of the Senate, with respect to the cost of the items they insert in the CONGRESSIONAL RECORD.

I have been informed by the chairman of the Joint Committee on Printing that it now costs between $90 and $91 a page to print material in the body of the RECORD. For many years there has been a rule that the majority of the items printed in the Appendix of the daily RECORD are not included in the bound volumes of the permanent RECORD. In addition, if the material to be printed in the Appendix will require more than two pages, an estimate of the cost must first be obtained and stated, and special permission must be obtained.

For many years, Senators have had the privilege of asking unanimous consent to have exhibits included in the RECORD with their remarks, without taking the time of the Senate to read the

exhibits. Notably, last year there developed a tendency to include in the RECORD material that no Senator would take the time to read while standing on the floor. The question is, "Who would then read it?" The answer is: "Nobody." Those extensions would cover 20 or 30 or more pages. This year, I see a tendency to continue that practice; on one occasion, 22½ pages were put in the RECORD, whereas I doubt that anyone will ever read much of it—or perhaps none of it will be read.

Yesterday, there was printed in the RECORD a magazine article which consisted primarily of editorials published last summer. It required 11½ pages of the RECORD, and cost the taxpayers $1,000.

Mr. President, with all due deference, I suggest to Senators that if we are to have an economy program, it should start on the floor of the Senate. Let us remember that in the colonial days, Benjamin Franklin said, "Take care of the pence, and the pounds will take care of themselves."

ORDER OF BUSINESS

Mr. MORSE. Mr. President——

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon be recognized for 1 minute.

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

THE PANAMA ISSUE—ADDRESS BY SENATOR MORSE

Mr. MORSE. Mr. President, yesterday, I made a major speech on the Panama issue. A very accurate report of the speech appears this morning in the Baltimore Sun. I ask unanimous consent that the article be printed at this point in the RECORD, because I think at least one note should be made of the fact that at least one newspaper made some comment on the speech, contrary to the Pravda tendencies of the Washington Post, the New York Times, and the rest of the kept press of America.

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

MORSE SUGGESTS UNITED STATES BUILD A SECOND "PANAMA" CANAL

(By Howard Norton)

WASHINGTON, January 14.—Senator MORSE, Democrat, of Oregon, today urged that the United States consider building a second "Panama" canal, somewhere outside Panama.

The chairman of the Subcommittee on Latin American Affairs of the Senate Foreign Relations Committee suggested that this might have a sobering effect on the Panamanian authorities.

TAKE A LONG LOOK

A second canal, he noted in a speech on the floor of the Senate, would take much of the traffic away from the present canal, and this prospect should make Panama "take a long look at the contributions we have made."

"All of Latin America should know," MORSE told the Senators, "that it is quite feasible to have a sea-level canal suitable for all modern shipping."

He suggested that routes for such a canal, which would be far better suited to modern shipping, could be found in Costa Rica, Nicaragua or some other Latin American country.

With modern explosives, methods and machinery, he noted, the second canal could be created in a relatively short time.

RESIDENTS ALSO TO BLAME

But MORSE made it clear that while he lays much of the blame on Panama, the American residents in that country and its Canal Zone also bear a heavy share of the blame for the current trouble.

The Canal Zone is Panamanian territory, occupied by the United States under a treaty; it does not belong to the United States, he pointed out.

But he charged that the Americans living there are beginning to act like the French acted in Algeria.

It's all right to fly the American flag over American Government installations, the Senator argued, but "keep it out of the soil."

He accused both the students, who started the latest flag incidents, and their parents, who came to their defense, of acting unwisely.

The Americans in Panama—Americans in Government employ—are permitted to stay so long that they begin to feel they have a vested interest in the country and in their jobs, he said.

"Give them a 2-year rotation"—both Government civilian employees and military personnel—and that would help solve the trouble, MORSE said.

He told the Senate that the pay differential between Americans and Panamanians, the tax benefits enjoyed by Americans living in Panama, plus the liberal "hardship" allowances many Americans living there receive, all have helped stir up the ill feeling.

DIRKSEN JOINS IN

Senator DIRKSEN, Republican, of Illinois, echoed some of the sentiments voiced by the Oregon Democrat, and added a few of his own.

He reminded the Panamanians that if President Theodore Roosevelt had not acted quickly to extend U.S. recognition to the rebels in Panama, that country might still be just a province of Colombia.

He reminded them, also, that if it had not been for the self-sacrificing medical work of men like Dr. Walter Reed, it would still be impossible to live in Panama, because of the widespread malaria and other tropical diseases.

DIRKSEN noted, also, that the United States, after first setting the yearly payments to Panama for use of the canal at $250,000, voluntarily boosted the payment to $400,000 and still later to nearly $2 million.

"I think we've been quite generous," DIRKSEN snapped, adding, "I'm getting pretty tired of all this."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

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

JOINT MEETING OF THE TWO HOUSES TO HEAR AN ADDRESS BY THE PRESIDENT OF ITALY, ANTONIO SEGNI

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is anticipated that the distinguished chairman of the U.S. Session of the Canada-United States Interparliamentary Group, the senior Senator from Vermont [Mr. AIKEN], will, at the conclusion of the address to be delivered by the President of Italy to a joint meeting, bring to the floor of the Senate our distinguished colleagues from the House of Commons and the Senate in Canada.

I would hope that as many Senators as possible would return to the Chamber at the conclusion of the address by the President of Italy, because there will be some business to transact and we would like to have a reasonably good attendance at that time.

Mr. President, I move that the Senate stand in recess so that Senators may proceed in a body to the Hall of the House of Representatives to hear an address by the President of the Republic of Italy, Antonio Segni. At the conclusion of his address, the Senate will return to its Chamber.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield before his motion is acted on?

Mr. MANSFIELD. I am glad to yield.

Mr. HOLLAND. I believe the Senator from Vermont [Mr. AIKEN] was about to make a statement. I hope he will, because about 30 delegates from the Canadian Parliament are expected to be present, and I believe that a representative attendance of Senators should be present in the Chamber to meet them.

The motion was agreed to; and (at 12 o'clock and 11 minutes p.m.), the Senate, preceded by its Secretary (Felton M. Johnston), its Sergeant at Arms (Joseph C. Duke), and the President pro tempore, the Senator from Arizona [Mr. HAYDEN], proceeded to the Hall of the House of Representatives, to hear an address by the President of the Republic of Italy, Antonio Segni.

(The address by the President of Italy, this day delivered by him to the joint meeting of the two Houses of Congress, appears in the proceedings of the House of Representatives on pp. 439–441.)

At 1 o'clock and 6 minutes p.m., the Senate reassembled, and was called to order by the President pro tempore.

VISIT TO THE SENATE BY MEMBERS OF THE CANADIAN PARLIAMENT

Mr. AIKEN. Mr. President, today the Senate is signally honored by being visited by 24 Members of the Parliament of Canada, our closest friend among all the nations, and one with which we have more than 3,000 miles of common boundary.

Our friends from the north have been here to discuss matters which pertain to their country and ours—both matters in which we have a cooperative interest and some matters in which we have competitive interests.

At this time, I wish the RECORD to show the presence in the Senate Chamber of these distinguished visitors. We appreciate their visit far more than can be expressed by mere words.

I take pleasure in introducing them to the Senate. Following their intro-

duction, luncheon will be served in the reception room.

First, I am delighted to introduce to the Senate the Speaker of the Canadian Senate, Hon. Maurice Bourget. He and I are really neighbors, for his home is only a short distance across the boundary between the Province of Quebec and Vermont. He is cochairman of this parliamentary conference. [Applause.]

The other Members of the Canadian Senate who are visiting the Senate today are: Hon. M. Wallace McCutcheon, a former member of the Canadian Cabinet, as are several of the others whom I shall introduce. [Applause.]

Hon. W. H. Taylor. [Applause.]

Next is a lady Senator, Hon. F. Elsie Inman, who, I believe, has attended the delegation meetings for as long as I have. [Applause.]

Then we go to the Pacific coast, where Hon. Sydney J. Smith represents British Columbia. [Applause.] I know that his record is as good as mine in attendance at the seven Parliamentary Conferences which have been held during the past few years.

Last, but not least in the Senate, Hon. M. Grattan O'Leary. [Applause.] As his name might indicate, Mr. O'Leary is very plain spoken in discussions. We are very happy that he is with us.

Now I come to Members of the House of Commons from Ottawa. I present, first, the Speaker of the Canadian House of Commons, Hon. Alan A. Macnaughton. [Applause.] He is a neighbor of mine. He lives just across the Vermont border in the Province of Quebec. He is also cochairman of the delegation meetings.

Hon. Michael Starr, another member from New Brunswick, is an ex-Cabinet member of Canada. [Applause.]

Hon. J. Waldo Monteith, who also has been a Cabinet member. [Applause.]

Hon. Paul Martineau, who is also an ex-Cabinet member and who has almost been something else—almost. [Applause.] He has held a prominent position in the Canadian Government. When I said "almost" facetiously, we anticipated that he might be Speaker of the House of Commons. He served as Deputy Speaker.

Now we come to Mr. Herman M. Batton. [Applause.]

Mr. W. B. Nesbitt. [Applause.]

Mr. Jack McIntosh. [Applause.] In Vermont we think a great deal of the name "McIntosh." We sell about a million bushels a year of the MacIntosh apple, easily the best apple grown. I believe the applause is for you, Jack, and not for the apple. [Laughter.]

Mr. Robert Thompson. [Applause.]

Mr. Lucian Lamoureux. [Applause.]

All the Canadian political parties are represented in this delegation; but, as sometimes happens in the United States, it is difficult to tell from the appearance of a member to which party he may belong. So I am not trying to identify any of our guests by party affiliation.

Mr. Stanley Knowles. [Applause.]

Mr. James Byrne. [Applause.]

Mr. Maurice Sauvé. [Applause.]

Mr. A. J. P. Cameron. [Applause.]

Mr. Andrew Brewin. [Applause.]

Mr. R. G. L. Fairweather. [Applause.]

Mr. Henry Latulippe. [Applause.]

The next member, who received her education in the United States, is Dr. Pauline Jewett, a graduate of Harvard. [Applause.]

Finally, Mr. Jean Chretien. [Applause.]

I know that the conferences have been attended 100 percent, which should be a good object lesson for some of our own committees. The attendance has been exceptionally good in spite of the fact that because of certain emergencies that arose two or three members were unable to attend all the sessions.

There have been fruitful discussions, and we have become well enough acquainted so that when the discussions were over, everyone wished to talk some more. That is a sign of a good meeting.

Once more, I wish to tell our friends how glad we are that they could be with us.

Mr. MANSFIELD. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I am happy to yield.

Mr. MANSFIELD. I deem it an honor and a privilege to join the senior Republican in this body, the distinguished senior Senator from Vermont [Mr. AIKEN], chairman of the Subcommittee on Canada of the Committee on Foreign Relations. To the best of my knowledge, under a Democratically controlled Congress, he holds the only chairmanship—a well-deserved honor.

Mr. AIKEN. A rather well-controlled Democratic Congress. [Laughter.]

Mr. MANSFIELD. We are delighted to have our colleagues from Canada in the Chamber.

We are especially happy to have Speaker Bourget and Speaker Macnaughton present, because they bring together neighbors who really know enough about each other so that once in a while they can quarrel and get away with it.

The Senator from Vermont [Mr. AIKEN] has mentioned the fact that 3,000 miles of border lie between us. It is a border which is indefensible because it needs no defense.

Coming from the State of Montana, I should like to say, as I have done so many times, that my State has the longest border with Canada. We extend 700 miles along the southern part of Canada, bounded by British Columbia, Alberta, and Saskatchewan. We have close and intimate ties with our neighbors in those three Provinces. We celebrate "Canadian days" throughout the year because we like to get Canadian dollars, too, occasionally.

It is good to have you here. You do us honor by visiting us in this Chamber. We are extremely happy that the Interparliamentary Conferences which began under the chairmanship of the distinguished Senator from Vermont [Mr. AIKEN] and have continued under his leadership since that time, have been so fruitful in bringing about better understanding and greater tolerance between our two peoples.

I hope that this will not be the last time you will visit this Chamber. I only hope that the next time you visit the Senate, at least some of you will sit on the Democratic side of the aisle, so that we may have a fair representation, too.

Thank you very much.

Mr. HOLLAND. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. HOLLAND. Mr. President, I have enjoyed exceedingly the great pleasure of meeting these fine Canadian visitors.

I cannot claim, as can the distinguished Senator from Vermont [Mr. AIKEN], to be a next-door neighbor to Mr. McIntosh, whose name has been given to the best Vermont apple; and I cannot claim, as can the majority leader, to have the longest border with Canada. But I can claim that we have our full share of Canadian visitors every year in the State of Florida which in part I represent, and that we are proud to have retained many thousands of them as citizens. They are among our finest citizens.

So, from this side of the aisle, I extend the warmest possible welcome. We hope it will be warm when our distinguished friends reach Florida tomorrow afternoon, so that the warmth of our welcome can be more evident than in the present environs of Washington.

I have known of no occasion in which the complete, nonpartisan nature of an important operation of the Senate and of the House of Representatives has been so well evidenced. In the Senate the distinguished Senator from Vermont has been chairman of the delegation and chairman of Committee No. 1. The distinguished Senator from North Dakota has been chairman of Committee No. 2. Senators on this side of the aisle, of whom there have been several of us, have been quite content and happy to serve under their leadership.

I hope these distinguished Senators of the minority party have enjoyed their leadership fully, because I do not believe they have had the opportunity to enjoy it, so much as they should, perhaps in other activities of the Senate.

We are delighted to have had these Canadian ladies and gentlemen with us. Speaking only for a part of this great Nation, which may be farthest from Canada, may I say that your coming here and our visits with you have been but a symbol—and a significant one—of the warm friendship which prevails between your great country and ours, and which we hope will always prevail, because the might of these two countries together and the friendship of these two countries together have a weight in world affairs which cannot be measured by any ordinary method. It speaks for itself as being one of the great friendships of our troubled world.

Mr. AIKEN. I deeply appreciate the remarks of the Senator from Florida. The Senator has performed yeoman service as a member of the U.S. delegation, as have all the other members, except the two who were interrupted, one by sickness and one by an emergency.

I appreciate the fact that in the presence of our distinguished visitors from Canada, the center aisle of the Senate Chamber is eliminated, just as we always

eliminate the international boundary between the United States and Canada when we are thinking of North American welfare and the welfare of our two countries.

When I introduced Mr. Andrew Brewin and Mr. Jean Chretien, they were outside the door and I was a little too fast for them. They are now in the Senate Chamber. The Canadian delegation has a 100 percent attendance. Let that be a lesson to us.

Mr. YOUNG of North Dakota. Mr. President, I wish to join Senator AIKEN and say what a pleasant experience it has been to work with so many distinguished Members of the Canadian Parliament. It has been a wonderful experience. I should like to take the present occasion to say a word about the International Peace Garden, which is located on the border between Canada and the United States. The garden is dedicated to the peace which has existed between our two countries for more than 150 years.

Mr. President, the purpose of the International Peace Garden can be best summed up by quoting the beautiful words inscribed on the cairn located in the center of the Peace Garden astride the international boundary:

> To God in His glory—we two nations dedicate this garden and pledge ourselves that as long as men shall live, we will not take up arms against one another.

The International Peace Garden is one of the most beautiful spots in the world. It is visited each year by thousands of people from the United States and Canada. Construction is continuing through the financial cooperation of the Canadian Government, the Province of Manitoba, the State of North Dakota, and the Government of the United States.

I extend to everyone an invitation to visit this beautiful spot.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, as a mark of respect and honor, that the Senate stand in recess subject to the call of the Chair for the purpose of allowing Senators an opportunity to meet our Canadian visitors.

There being no objection, the Senate (at 1 o'clock and 23 minutes p.m.) took a recess subject to the call of the Chair.

At 1 o'clock and 29 minutes p.m., the Senate reassembled on being called to order by the Presiding Officer (Mr. WALTERS in the chair).

Mr. MANSFIELD. Mr. President, is the Senate still in the morning hour?

The PRESIDING OFFICER. The Senate is still in the morning hour.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7406) to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes, and it was signed by the President pro tempore.

IMMIGRATION REFORM AT LAST

Mr. JAVITS. Mr. President, in the past 2 days the end of a long and frustrating road toward immigration reform began to come into view. I am referring, of course, to the hearings which were held on Monday and Tuesday of this week before the Immigration Subcommittee of the Senate Judiciary Committee on several bills to amend the Immigration and Nationality Act of 1952. Because official business abroad, in connection with the NATO Parliamentarians' Conference, prevented my appearing, along with the other sponsors of immigration reform bills, at these hearings, I should like to add a few words here to the formal statement which I am submitting to the subcommittee for its record.

My first concern is that after so many years of manifest injustice and heartbreak, which every Member of Congress has seen in his constituents' mail on this subject, we shall at last enact a substantial modification of the wholly arbitrary and antiquated national origins quota system. The record of the Congress in the past 10 years, in trying to relieve the enormous hardships which have been imposed by that rigid quota system, has been a sorry one indeed. Year after year we have been forced to settle for piecemeal measures designed to patch up the worst individual situations. In each one of these cases we have been told that this is the best we could get and that, if we did not accept these patchwork solutions and insisted instead on real immigration reform, even these palliative measures would be withdrawn. That these threats were effective is another vivid testimonial to the inadequacy of Senate procedures which often permit a minority of Members of the Senate, who oppose any real reform of the immigration system, to stymie the majority, which I believe is clearly in favor of such reform, and what is even worse, to prevent a vote to determine whether in fact a majority is in favor of reform.

Typical of the kind of approach the Congress has been forced to take in recent years in the record of piecemeal amendments to the Immigration Act passed in the three Congresses:

Public Law 85–815, adoption of alien orphans and their admission.

Public Law 85–700, authorizing Attorney General to adjust status of bona fide nonimmigrant aliens to permanent residence status.

Public Law 85–697, naturalization of adopted children and spouses of missionaries abroad.

Public Law 85–531, cancellation of departure bonds for nonimmigrants whose status is changed.

Public Law 85–559, status adjustment of Hungarian refugees.

Public Law 85–892, additional visas authorized for certain distressed Portuguese and Netherlands citizens in Azores islands.

Public Law 86–129, extension of residence exemption for loss of nationality purposes.

Public Law 86–363, entry of certain relatives of U.S. citizens and lawfully resident aliens—updating fourth preference.

Public Law 86–648, resettlement of refugees and escapees and adjusting status of nonimmigrant aliens and extension of nonquota immigrant visas to orphans.

Public Law 87–301, eligible orphans for adoption, excludable aliens, jurisdiction to nationalize, loss of nationality, judicial review of orders of deportation, privileges for veterans of Korean hostilities.

Public Law 87–293, admission of aliens for training Peace Corps members.

Public Law 87–256, Cultural Exchange Act of 1961, section 109.

Public Law 87–885, entry of alien skilled specialists and certain relatives—updating first and fourth preferences.

Against this sorry record, which also includes the need for hundreds of private immigration bills, the hope held out by the hearings this week is a major revision of the act, particularly the national origins quota system based upon the 1920 census. I am a sponsor and cosponsor of three major proposals in this area in the 88th Congress. On July 2, 1963, I introduced, along with Senators KEATING, MORSE, SALTONSTALL, CASE, and SCOTT, S. 1823. I cosponsored S. 747, introduced by Senator HART, and S. 1932, the administration bill which Senator HART later introduced. Other bills for the same purpose have been introduced by other Members. I fervently hope that in the welter of proposals the main point is not lost sight of: That the national origins quota system must be changed in a meaningful way in this Congress.

I believe the major changes which must as a minimum be made are as follows:

First. Modernize the quota number allocation system so that either the quota system itself is gradually eliminated, as the administration bill proposes, or quotas are placed on a current status, based now upon the 1960 census and reallocated after each decennial census, and then pooled when unused. This would eliminate the severe discrimination against the southern European countries in the present law, which imposes waiting lists dozens of years long on southern and eastern European immigrants while leaving unused and unusable quota numbers for the British Isles and other northern European nations.

Second. Eliminate the quota provisions which discriminate against Asiatic and colonial peoples, a kind of racial discrimination which is akin to that being fought in the great civil rights revolution now going on in our Nation.

Third. Establish 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.

Fourth. Eliminate the discrimination inherent in the present law's treatment of naturalized, as distinguished from natural-born citizens.

These are, in my judgment, the minimum requirements of a meaningful bill.

Finally, Mr. President, this represents the freedom of movement of people in the world for which we are contending for so strongly in the Atlantic Community. Though this reform of the immigration law has been buried for so very long, it still remains a vital necessity in the international field, as civil rights legislation does in the domestic field, and is very much the same kind of issue. We are discriminating by not offering to certain people in the world, whatever may be their skills, the hospitality of our country, people from southern and Eastern Europe, from the Asia-Pacific triangle, those in the Caribbean. This is the time to end such discrimination. I welcome the movement in that direction. I will lend myself to it. I am delighted that the President is with such a movement. I hope he will stay with it until it is done.

The act can be amended now. The climate is right for it. We must do it now. It is almost too late, considering the disrepute the United States has suffered in the eyes of the world and the injustice to our citizens whose families and relatives are abroad and who are adversely affected by the existing law.

I urgently request that the hearings begun this week with testimony from Senators be resumed as soon as possible with public witnesses and then concluded with the reporting of a substantial immigration reform bill at long last.

THE CANAL CRISIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, we are involved in a most unfortunate situation in Panama. It is to be hoped that the efforts of the Organization of the American States will restore a mutually acceptable peace and order. Certainly the prompt action which the President took at the outbreak of troubles was most constructive. He engaged himself directly in talks by telephone with the President of Panama in an effort to keep the situation under control. He dispatched to Panama his closest aids on Latin American affairs.

In retrospect, I suppost the incidents which took place or something akin to it might have been anticipated. There have been periodic clashes in and around the Canal Zone, going back almost to the beginning of the century, when the canal was built. Such incidents are almost inevitable when a great and wealthy nation occupies a position of conspicuous privilege in an alien land characterized by great squalor and poverty. And the contrast between life in the Panama Canal Zone—the strip of land 10 miles wide along the isthmus and in the Panamanian towns and cities along the border—has to be seen in order to appreciate how stark it is.

In retrospect, the clash would appear to have been inevitable, too, in the light of the rising tide of nationalism in a small land which for some years has been breaking against the granite wall of a special position regarded as essential to a great nation's security and the discharge of its hemispheric responsibilities. To be sure, communism and Castroism have sought repeatedly to manipulate this tide and the emotional force which it contains. But we will only confound the confusion if we interpret the difficulty wholly or even largely in these terms.

Finally, in retrospect, this incident might have been anticipated in the light of the too long ignored need for expanded facilities for a water crossing between the Atlantic and the Pacific in the narrow southern promontory of North America.

I was interested to note that yesterday the distinguished senior Senator from Oregon [Mr. MORSE] emphasized this need. I shall try to deal with the question a little further. I commend him for raising the question of a second canal, because the time is not too distant when there will be need for a canal of an entirely different character from the one now in operation.

In the present incident, the first order of business, as it has been said, is to dampen passion, to prevent further bloodshed, and to restore order in the region of the zone. But in doing so—and there is every reason to hope that we shall do so—only a breathing spell would have been obtained. We would have achieved nothing of lasting value if this first order of business becomes the last. Too often in the past that has been the sequence. It is to be hoped that such will not be the case in the present incident. If, instead, the significance of this deplorable drama stays with us even as the incident recedes, it may yet serve a constructive purpose.

What this incident tells us in its stark tragedy, what it cries out to us to do is to get busy and to find as quickly as possible reasonable solutions to the conditions which precipitated the tragedy. As noted, there are three basic factors involved:

First. There is the matter of the position of conspicuous privilege in the zone.

Second. There is the matter of the clash of emotional nationalism in a small country and the hard-rock security requirements of a great power with immense hemispheric responsibilities.

Third. There is, finally, the matter of the overdependence of world shipping—our own included—on what is in reality becoming an outdated and inadequate monopoly of transit facilities between the Atlantic and the Pacific in the Caribbean area.

Let me consider each of these factors briefly. The zone itself contains over 30,000 nationals of the United States. These are for the most part workers who operate the canal and their dependents and employees in the various services, such as education and public health, with which the American community in the zone is supplied. The figure also includes several thousand military personnel and dependents associated with the defense of the canal and other military functions in the region.

It is not suggested that these Americans ought to be required to live in squalor and poverty in order that the conspicuous position which they now occupy might be mollified. They have the same right as the rest of us to live in dignity and in decency, and this Government, whose employees they are, has a responsibility to see that they are not denied this right. They also have the same responsibilities as their fellow citizens and if need be they should be reminded that they are not a privileged group apart from the rest of us. Like the rest of us, they are representatives of our Government and employees of the people of the United States.

I turn next to the second factor underlining this deplorable incident—to the clash of the Panamanian nationalism and U.S. security interests and responsibility in the Western Hemisphere. In the present circumstances it seems highly unlikely that this source of tension can be entirely eliminated. But there is no reason whatsoever that it could not be minimized—no reason, provided that we delineate clearly our real national interests in the zone; no reason, provided we do not entrap ourselves in an emotional plot which was already becoming hackneyed in the days of Rudyard Kipling.

We are not in the Panama Canal Zone just to show the American flag which we do and will continue to do. We are not in the zone just to discharge some vague white man's burden. We are not in the zone just to lay claim to a piece of Panamanian real estate.

We are in the Canal Zone solely to operate efficiently and effectively a canal which we built and which is of immense importance to the world's commerce and to our own as a part of it. We are in the zone to see to it that this canal is available for use—as it must be—for safeguarding the security of the United States and the Western Hemisphere. To be sure there can be honest differences of opinion as to how this objective may best be furthered in the light of any given issue. But what is essential is that we consider each issue—whether it be flag flying or pay rates as between Panamanian and United States nationals in the zone, or annual payments to Panama and shipping tolls or commissaries, or policing, or whatever—in these terms.

The way not to minimize the difficulties which are bound to arise is to confuse our real objectives with question of a false pride or prestige or hypothetical considerations of the meaning of sovereignty.

The way not to minimize these difficulties is to confuse the interests of the United States as a whole with a personal interpretation of those interests by U.S. nationals resident in the zone.

The way not to minimize these difficulties is to allow specific problems as between ourselves and the Panamanians to fester until they erupt in violence as they have recently done.

The way not to minimize these difficulties is to permit the continuance of the present bureaucratic division of authority and responsibility in and around the

zone as among the directors of the Canal Company, the military commands, and the American Ambassador so that there is no single source in the area of the actual U.S. position and no single source of responsibility in any given situation.

Finally, Mr. President, I think it is high time that we face the fact that the Panama Canal is, or soon will be, outmoded in terms of the needs of world shipping and of the defense of the hemisphere. It is moreover destined to become increasingly inadequate as these needs grow in the years ahead. I would point out, for example, that oil tankers which have been built in recent years and which are being built are already too immense for the canal. I would point further that the larger ships of the Navy are in the same position.

I would point out that a single atomic explosion could put the canal, which is not a sea level waterway but which is based on an intricate lock structure, out of commission indefinitely. For years we have discussed the need for a second sea-level canal. Sites in Colombia, in Nicaragua, and elsewhere have been studied.

In this connection it has been invariably assumed that the United States would build the second canal and operate it in substantially the same fashion as is now the case in Panama. As far as I am concerned one headache of this is enough for one country.

I would most respectfully suggest to the Senate that we consider an alternative approach to this problem. There has been one site for which preliminary surveys have been made but which has been little discussed. I refer to the sea level route across the Isthmus of Tehuantepec in southern Mexico. While the route as surveyed by Mexican technicians is a long one, construction appears entirely feasible in an engineering sense and in a financial sense as well, particularly if atomic explosives can be used for much of the excavation. Mexico has a strong national interest in the construction of such a canal because of its own topographical shipping problems. Mexico has the stability, the manpower and the skills which would be required for the building and operation of a trans-Mexican canal. What it lacks is sufficient capital and, perhaps, certain highly technical skills which might be available elsewhere.

It seems to me, Mr. President, that we would be well advised to consider the possibility of a canal across Tehuantepec, built and operated by the Mexican Government. Not only the United States but every maritime nation would have a direct interest in such an undertaking. Indeed, all nations which depend to a greater or lesser degree on maritime shipping would have an interest. It is by no means improbable that a consortium of the principal maritime nations plus the international lending agencies might find this project of sufficient feasibility and interest to all to supply to Mexico—with an excellent credit rating—what might be necessary in funds and skills. If it is feasible the world would find an answer to what is likely to be a most critical shipping need in the near future.

The Mexicans could be counted on, I believe, to administer the affairs of a canal across their territory with a high regard to the international stake involved and with a mature sense of responsibility. For us, Mr. President, the existence of a second water facility between the Atlantic and Pacific would be of immense value from the point of view of security and commerce. And in the context of the availability of an alternative, there is every reason to hope that many of the recurrent and presently insoluble difficulties in Panamanian-United States relations will fall into better perspective.

Mr. JAVITS. Mr. President, first, if the Senator from Montana will allow me to do so, I should like to join him in support of the very interesting suggestion he has made for a canal route through Mexico.

I believe that Mexico, perhaps more than any other nation in Latin America, is reaching the point in economic development where it is awakening to what it can do by way of helping other Latin American nations.

I have visited Mexico, and I have had a good deal of experience in dealing with its people. What the Senator has said is a very interesting and exciting development. I am sure that, with his international experience, the Senator from Montana would be aware of some international body that would assure international accessibility to the canal and the assurance of fair charges at all times. Such an arrangement would be entirely consistent with the sovereignty and dignity of Mexico.

The other point I should like to suggest to the Senator from Montana is with reference to Panama. No American can be anything but deeply saddened by what has taken place in Panama—the deaths and woundings of Americans and Panamanians.

I hope the Panamanian people will understand that, with all these deaths, and the tragedy and the sadness of it all, every country must have some place where it must stand, from which it cannot retreat further.

In my judgment, one thing will help our relations and help us in the negotiations, which I am sure will be carried on in the greatest reasonableness, and that is that, notwithstanding the disparity in size and power of the two countries, the people of Panama will understand that there comes a time in the affairs of nations, as in the affairs of men, when the basic interest and security of a nation must be safeguarded. Altogether too often this means that some people are killed or wounded. However, this fact does not vitiate the justness and essentiality of the fundamental point involved, and that is the indispensability of a canal link between the two coasts of the United States.

I am sure the Senator from Montana, whom I love and respect, and who has this in mind, knows that the people of Panama understand the fact that a great nation can have its back against the wall, too. We can either have the Canal Zone overrun or we can stand and defend it. There is an opportunity for negotiation and an opportunity to reach an adjustment. I hope the people of Panama understand that fact.

I join the Senator from Montana in that expectation; also in his support for our President in his negotiations, which should be characterized by magnanimity and morality, which we feel is so characteristic of the United States, and which we want to make evident in every one of our acts.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "The Panama Lines Harden," published in the New York Times for today. The editorial generally proceeds along these lines of policy.

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

[From the New York Times, Jan. 15, 1964]

THE PANAMA LINES HARDEN

In Panama the mobs are off the streets, the snipers have stopped firing, calm has been restored—and nothing has been settled. This is a major crisis in American-Panamanian relations in particular, and in Latin American affairs in general. Of course, Communists, Fidelistas and demagogs will take advantage of it. The United States has lost a battle over the Canal Zone. The problem is not to lose the war, or, in other words, not to lose the free and absolutely safe use of the Panama Canal whatever the outcome.

A new situation has arisen and it must be met with new policies and a revised treaty. This does not mean surrender to Panamanian demagoguery. The White House statement that "the United States cannot allow the security of the Panama Canal to be imperiled" is a sound requirement in present circumstances. If, however, it means that President Johnson is going to follow the "hard line" of the Eisenhower and Kennedy administrations and avoid any important treaty changes, a very difficult period lies ahead.

One of the major factors in this tragic affair is the presidential election to be held in Panama on May 10. It is inherent in Panamanian politics that votes are gained by castigating the United States and making extreme demands. This state of affairs antedated the Bolshevik revolution, let alone the Cuban revolution.

Thus, any definite settlement had better be put off until after the elections. Until then Panamanian leaders are going to make maximum demands. Moreover, if the Panamanians insist on a genuine diplomatic break with the United States it will not be possible to hold direct discussions with them as the White House suggests. Negotiations would have to be held awkwardly and slowly through the Organization of American States.

President Johnson and his advisers need, and should be given, time to think this problem out and decide what policies to follow. Meanwhile they are right to insist on not being "pressured" into treaty revisions by violence. If this explosion has done nothing else it has shown Washington how serious the Panamanian situation is, how bitterly feelings run, and how necessary it is to meet the crisis with understanding. A "hard line" will get nowhere.

Mr. MANSFIELD. I thank the distinguished Senator from New York. I agree with what he has said.

The President of the United States has handled this matter with skillful diplomacy and wise discretion, and his representatives in the negotiations have conducted themselves impeccably.

However, I feel that the need for a second canal has become increasingly evident. The idea is not new; it has been considered for many years. A number of areas for its location have been discussed.

I mentioned Mexico with a particular reason in mind. Of all the major countries in Latin America, it is, in my opinion, the most stable and most advanced; and its revolution is behind it. The Mexicans are trying to do the best they can to increase their gross national product, but are finding it quite difficult, because the lands in the north are semiarid, while the lands in the south are tropical and need much improvement before large blocs of people can adequately be induced to move there. In addition, the increased birth rate in Mexico has complicated the solution to these problems.

The construction of a canal would be one way in which a solvent government could undertake, if it so desired—and, of course, the decision would be its own—a project of this kind, which is needed, which would bring in revenues, and, most importantly, would be under the control of the country traversed by the waterway.

With all these factors in mind; with the demonstrated need of a second waterway in the immediate future, if not at the moment; and with the need for a sea-level canal rather than a lock-type canal, it seems to me that the most logical place for such construction would be Mexico. Surveys have been conducted on and off for many decades across the Isthmus of Tehuantepec. So I would hope that this proposal would be given careful consideration and, if found meritorious, that the Mexican Government would do what it could to further it.

SENATOR TOWER WRITES ON THE ALLIANCE FOR PROGRESS

Mr. SIMPSON. Mr. President, since its inception, the foreign aid program, America's monumental attempt to play Santa Claus to friend and foe alike, has run afoul of everything from the law to an indignant American public.

Writing in the January issue of Reader's Digest, the knowledgeable Senator from Texas [Mr. TOWER] authored a searching analysis of that portion of our foreign aid program which is presently subsidizing leftwing dictatorships in Latin America. Although the Senator confined his remarks to Latin America, the majority of his observations would be equally applicable to other areas around the world where American dollars are being used to shore up regimes whose actions are inimicable to a society of freemen.

While the administration "brass bands" the Alliance for Progress, Senator TOWER notes that it is "a paradox and an unhappy one that our dollars may be doing more harm than good."

Every American realizes that the Alliance was not intended as largesse to build a sinecure for Latin American dictatorships. It was engineered, and the administration which introduced it so stated, to be a stimulus to the investment of private capital in Latin America and the inauguration of broad social economic reforms there. After 3 unhappy years, it is apparent that American dollars have driven out private capital, not induced its inflow; subsidized dictatorships, not inspired democracy; and shored up political philosophies which are anathema to representative government.

As Senator TOWER so lucidly points out in quoting a Mexican businessman:

> Your Alliance is giving governments the money to buy up and operate as money-losing Socialist state monopolies scores of businesses that were formerly taxpaying parts of the free-enterprise system. It seems remarkable to some of us that the wealth of the American people should be used to undermine the very system that produced it.

Mr. President, I ask unanimous consent that this penetrating analysis by the Senator from Texas of the incongruities of our aid program be printed in the body of the RECORD.

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

LET'S STOP FINANCING SOCIALISM IN LATIN AMERICA

(A U.S. Senator takes a hard look at the destination of our aid dollars)

(By Senator JOHN G. TOWER)

At a time when the United States is pouring more foreign-aid money into Latin America than ever before, many of the countries that receive it slip further behind economically. It is a paradox, and an unhappy one, that our dollars may be doing more harm than good. As our aid dollars arrive, local capital takes flight for safer shores. The Alliance for Progress, which was intended to attract private capital and stimulate local investing, has committed some $2 billion in Latin America. But private Latin American capital continues to fly abroad.

Recently observers have concluded that something is basically wrong with our pattern of postwar aid to Latin America. In case after case, U.S. aid money is being used to harass and drive out free-enterprise capital by financing government seizures of private businesses. More frequently, our aid compensates for endless budget deficits caused by the very losses which nationalized industries incur. Here are examples:

In Uruguay not long ago, the Government nationalized a cement factory, buying out the private owners. Where did Uruguay get the money? From U.S. Treasury funds.

In February 1962, Gov. Leonel Brizola of the Brazilian state of Rio Grande do Sul seized a subsidiary of the International Telephone & Telegraph Co. Two months later President João Goulart negotiated a $131 million U.S. loan. Former Under Secretary of Commerce Philip A. Ray commented in his book "South Wind Red" that "any compensation paid by Brazil to the owners would inescapably be traceable to our foreign aid."

U.S. aid money used for socialistic ends not only frightens private capital and makes it want to flee—it actually finances the flight. Aid dollars have sometimes been used, as in Mexico, to set up stabilization funds to peg the currency at the government-set rate. Easy dollars keep overpriced currencies freely convertible, so that capitalists worried about local conditions have an incentive to sell out fast while the bonanza lasts. As one Mexican businessman commented, "The temporary strength your budgetary support gives these currencies enables local people to convert their money into holdings abroad, so we have less money here to build up our countries than we had before."

The Alliance for Progress, enthusiastically adopted by Congress 2 years ago, emphasized that Latin America itself would provide 80 percent of the capital for the program, with the remaining 20 percent—from the United States, Europe and Japan—required only as "seed corn." The $20 billion to be put up by the Alliance over 10 years, President Kennedy stated, was part of a "cooperative effort to satisfy the basic needs of the American people for homes, work and land, health and schools." The Alliance was to finance fundamental economic growth, support a social transformation and provide the nucleus for a great leap forward in private investment. Its obvious intent was to forestall the spread of communism by swiftly improving the hard lot of the common man.

Its economic concept seemed reasonable. In 1957, U.S. private capital in Latin America amounted to $8 billion. It provided 1 million jobs and paid Latin American governments $1 billion in taxes a year. Moreover, this investment was growing and European capital was not insignificant.

At Punta del Este, Uruguay, in 1961, Treasury Secretary Douglas Dillon predicted a glowing future under the Alliance, estimating that, while the flow of private capital would be slow in starting, the initial Alliance outlay of $600 million (plus additional commitments giving a first-year total of $1 billion) would stimulate U.S. private interests that year to bring in $300 million more. Preliminary figures show, however, that, instead of a new flow of U.S. private capital into Latin America, there was a net withdrawal of $60 million.

Equally staggering has been the flight of currency abroad. From Brazil alone the loss is estimated at $1 billion since the Alliance began. The outflow of capital from oil-rich Venezuela, menaced by Cuban-organized raids and terrorism, may well have been of similar size. As quoted in Time, a businessman in Quito, Ecuador, summed up the situation on the continent when he said, "If all the capital sent abroad would return, Ecuador could be well off. No basic foreign aid would be necessary."

Why is private capital leaving Latin America? High on the list of reasons are continuing political instability; the menace of Castroism; and the hostility to private enterprise of Latin American governments that are under constant pressure for nationalization by left-wing groups. But the basic pattern of U.S. aid must bear some of the responsibility.

Since World War II, U.S. taxpayers' loans and grants to Latin America have amounted to nearly $8 billion. A large percentage of this money has been doled out to government treasuries, not for well-conceived plans to aid private enterprise, but to meet emergencies in a dreary effort to bail out countries that through unsound fiscal policies are in financial straits.

Week by week, newspapers detail fantastic losses run up by government-owned business enterprises in Argentina, Bolivia, Brazil, Colombia, and Venezuela; week by week, there are reports of vastly increased government deficits. And month by month, newspapers report "Special U.S. Loan" or "American Emergency Credits" or "Treasury Interim Grant" to one or another Latin American country. Bailout means that U.S. taxpayers pay to cover Latin American government losses caused by deficits in nationalized industries. In short, we underwrite socialism.

A Mexican businessman recently told a U.S. reporter, "Your alliance is giving governments the money to buy up and operate as money-losing Socialist state monopolies scores of businesses that were formerly taxpaying parts of the free enterprise system. It seems remarkable to some of us that the wealth of the American people should be used to undermine the very system that produced it."

In passing the Foreign Assistance Act of 1962, Congress directed that "nations should not be regarded as qualifying for U.S. assistance unless they understand the importance of private investment to their economic development and are ready to encourage such investment." That directive is being ignored. Venezuela, for example, has received over $300 million in U.S. aid despite the fact that a majority of its steel, cement, and various other plants are Government-owned—and lose an estimated $125 million a year.

In an effort to repair the wreckage left by Juan Perón's corporative state, the United States has given and lent Argentina—once by far the most advanced nation in the Southern Hemisphere—some $700 million. Still, Argentina remains deep in debt. Wages in nationalized industries have been paid as much as 3 months late, and most pensioners are further behind than that in receiving their checks. But expansion of state enterprises grows. A U.S. loan of $10,800,000, on top of a World Bank loan of $95 million last year, will allow the Government to become more involved in the electric-power industry.

Uruguay, once a prosperous country, is worse off than Argentina. The Government has a monopoly of—or competes with private industry in—electric power, fuels, alcohol, railroads, insurance, fishing, cement, hotels, airlines, and meatpacking. Last year the Inter-American Development Bank loaned the National Administration for Combustibles, Alcohol, and Cement $4,600,000 for expansion. Practically all of these Government corporations lose money. To date, U.S. aid to Uruguay totals $95 million.

In Mexico, Government investment in business in 1961 was shown by the Bank of Mexico to equal the amount invested privately. The Government owns the railroad and power industries, a diesel engine factory and virtually all air transport, plus parts of the petroleum industry, steel production, motion-picture exhibition (it just bought a chain of 300 movie theaters), chemical and petrochemical manufacture, fertilizer production, and so on, through a list of 533 activities.

Government purchase of these enterprises was financed to a large extent by loans from U.S. and interregional agencies, most of them channeled through the state-run Nacional Financiera. Much of a $130 million World Bank development loan to Mexico was used not to develop new electric power facilities, but to permit the Government to complete its power monopoly by financing the takeover of existing power companies from private owners.

The Hickenlooper amendment to the Foreign Assistance Act of 1962, was designed to discourage outright theft of industries. It denied aid to countries that confiscate North American property without compensation. But this amendment does not stop these countries from expropriating local businesses, thus wrecking their own free economies. Moreover, they are still free to expropriate U.S. businesses as long as they agree to pay for them. As we have seen, the money used for compensation frequently comes from the U.S. taxpayer.

How can we change our course in aiding Latin American countries so that the generosity of the people of the United States will not be betrayed?

We should stop subsidizing the operating losses of state industries.

We should refuse to finance prestige industries, such as steel mills, especially those which are the direct result of leftwing pressures.

We should insist that countries seeking aid mobilize their own citizens' resources before U.S. citizens put up their money.

Finally, we should honor the spirit of the Foreign Assistance Act of 1962, with its emphasis on refusing to help countries engaged in undermining the free enterprise system. We should actively discourage inflation and do all we can to promote a political climate favorable to investment of private capital in productive enterprises. That is the declared intent of all aid legislation and, if it is carried out, American dollars will no longer be used to advance the cause of socialism.

THE 75TH ANNIVERSARY OF SERVICE TO MICHIGAN BY SISTERS OF ST. JOSEPH

Mr. McNAMARA. Mr. President, the year 1964 marks the 75th anniversary of service to Michigan by the Sisters of St. Joseph. This teaching order of Sisters is located at Nazareth, Mich., near Kalamazoo.

In 1889, at the invitation of Msgr. Francis A. O'Brien, pastor of St. Augustine Parish, a group of 11 pioneer Sisters came to Kalamazoo, from Watertown, N.Y. Today, there are 779 Sisters on active duty in grade and high schools in five dioceses; and 90 Sisters are at the motherhouse in Nazareth, preparing for their future work as teachers. Their contributions to the archdioceses of Chicago and Detroit and to the dioceses of Lansing, Saginaw, and Grand Rapids include: Nazareth College, 6 hospitals, 72 schools and institutions. Among the latter are two highly accredited schools of nursing, two homes for dependent children, and a licensed child-placing agency. The Sisters also conduct vacation schools and after-school religious instruction for children attending public schools.

Actually, three historic centuries span the works of this congregation. Born of need, in LePuy, France, on October 15, 1650, the Sisters' appointed task was "the Christian education of the young and the direction of charitable works, such as hospitals, orphanages, and homes for the poor and the aged."

The Sisters' costume—or "habit," as it is called—of black robes and white guimpe is modeled after the dress worn by French widows of the 17th century.

In 1836, a small group of Sisters—driven out by the French Revolution and the atheistic rule following that event—came to St. Louis, Mo.; a group branched from there to Watertown, N.Y.; from there, 11 volunteers came to establish the now-flourishing community at Nazareth, Mich.

TRIBUTE TO THE LATE PRESIDENT JOHN F. KENNEDY

Mr. SALTONSTALL. Mr. President, at the suggestion of students and teachers at Swampscott High School, I ask unanimous consent to have printed in the body of the RECORD a splendid tribute in memoriam to our late President, John F. Kennedy, written by Lola Kramarsky, president of the National Hadassah.

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

IN MEMORIAM—JOHN FITZGERALD KENNEDY, 1917–63

(By Lola Kramarsky)

Every church and every synagogue in this country was filled with mourners and worshippers on November 23, and for days thereafter. Yet America is said to be a secular country. America is said to be a Protestant country. Its President was a devout Catholic. America is called a factionalized country. Yet every American from north to south, east to west, from mansion to hut, from the mightiest to the humblest, was united in bereavement and tragedy, in bewilderment and sorrow, at the death of John Fitzgerald Kennedy, the man, and the President of the United States of America. He who strove to unify the country in greatness of purpose, in firmness of discipline, in nobility of resolution, as befits a nation of freemen, united them in mourning at his death; and in sorrow at the brutality and anarchy of his assassination and the hatred and lawlessness it spells.

President Kennedy was the symbol of courage and reason in a world riddled with fear and unreason. He was the epitome of brilliance, style, elegance, in a world grown drab and mediocre. He was the personification of youth and vigor in a world grown aged and weary. He added compassion to statesmanship and magnanimity to prudence. He wore leadership with grace, and authority with charm. Our allies saw in him an American-made symbol of hope for the future. Our adversaries saw in him America's strength, its pride, calmness, confidence, courage, and resolution.

He represented the highest aspirations of this land of freedom and greatness and voiced them in eloquent and inspiring phrases. And he understood how wide is the gap between man's aspirations and human performance.

A sorrowing nation has now only one thing to do. We must stand united behind the new President, each one of us, Christian and Jew, Negro and white. We must prove to ourselves, to our friends, and our foes that when John Fitzgerald Kennedy spoke of our hope for a world of liberty and equality, decency and justice, discipline and law, his was the authentic voice of the American people.

SMOOTH SWITCH TO NEW ORDER

Mr. SYMINGTON. Mr. President, not in my time has any public figure established with such rapidity the respect and good will that President Lyndon Johnson has created with the people of Missouri in the weeks he has held the highest office in our land.

In this connection I ask unanimous consent to insert at this point in the RECORD an article by John Cauley of the Kansas City Star entitled "Smooth Switch to New Order."

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

SMOOTH SWITCH TO NEW ORDER

(By John R. Cauley)

WASHINGTON.—President Johnson now has completed with smoothness and startling effectiveness the first phase of his succession to the Presidency.

This first phase was a dramatic demonstration not only to this country but to the world that a President of the United States was on the job.

FULL STEAM AHEAD

Now the President is moving into the second phase—the actual operation and direction of the Government—which not only has many formidable difficulties but also many great opportunities.

In retrospect, the top aids of the President now appraise the transition from the tragic events of November 22 to the present as almost miraculous.

If on that fateful day there were no indications of actual panic in the country there

were at least the risks that unless the helm was grasped quickly and surely, national morale would deteriorate and the country would be beset by nervousness, indecision, and even fear.

The Nation was apprehensive about what was going to come next. The dilemma was enormously complicated by the fatal shooting of Lee Oswald by Jack Ruby.

MOVES INTO VOID

It is fortunate for the country that Mr. Johnson stepped into the vacuum with tact, patience, humility, and decisiveness.

In many another country such a tragedy as befell Mr. Kennedy would have created a dangerous hiatus lasting for months. Thanks to Mr. Johnson and the U.S. system of succession, not here.

Now that continuity in the Government has been established, what are some of the current manifestations?

One is the assurances the President has given foreign leaders on the administration's stance and intentions.

KEEPS CAPABLE MEN

Another—and this is the more human and poignant side—is that the President has taken great care to merge the Kennedy staff with his own.

For example, Kenny O'Donnell, a close friend of Mr. Kennedy and his appointments secretary, is staying on in the same capacity. So are Ted Sorensen, the special counsel and speechwriter for Kennedy; Pierre Salinger, press secretary, and Larry O'Brien, liaison man between the White House and Congress.

Not only has Mr. Johnson shown compassion for these men who have been shaken by the tragedy, but he is a realist enough to know he needs their talents and dedication.

Most of the top aids the President has brought into the White House have stayed discreetly in the background.

Nevertheless, it is inevitable as the weeks go by that the White House will begin to show more and more Johnson's own character and image.

BIG JOB WAITING

Now as the second phase begins, the President faces monumental problems.

He will have to cajole and persuade Congress to pass civil rights and tax bills. He will have to fight hard to prevent the foreign aid bill from being emasculated.

In the field of foreign affairs, the situation is, as one close associate put it, "not good but not bad."

Latin America is perhaps the most serious challenge. There are also Vietnam and Laos and Berlin and Germany, and De Gaulle and the Common Market, all potentially troublesome.

There are also opportunities. There are, significantly, indications that the Russians are so preoccupied with their economic problems at home that they may be reluctant to embark on any military adventure and indeed even may be receptive to a pause in the cold war.

TASK IS FORMIDABLE

As for the President's personal life, his dawn-to-dusk activity has given the impression that this is an extraordinary performance forced upon him by the urgency of events.

The fact is that Lyndon Johnson has always been a prodigious worker who not only drives his staff hard but himself as well.

The President is up and ready for work at 6:30 o'clock every morning. For 2 hours he reads the papers, memos prepared by his staff and state documents.

DOESN'T BREAK STRIDE

Then comes a working breakfast, and after that the walk to the office where a day of bustling activity begins.

At the end of the ordinary working day the President sometimes takes a swim to relax, but often he does not get to sit down with his family to dinner until 8 or 9 at night.

His associates do not quite share the concern of outsiders that the President is driving himself harder than usual.

As one close friend puts it, "The President's staff will collapse before he does."

THE MARYLAND WELCOME OF PRESIDENT SEGNI

Mr. BEALL. Mr. President, yesterday the State of Maryland was grateful for the recent snowstorm at least in one respect, for it provided Maryland, and particularly Baltimore City, with the honor and pleasure of being the first to welcome one of the world's most able leaders and a true friend of this country, President Antonio Segni and his party.

In addition to his lovely and charming wife, President Segni was accompanied by Foreign Minister Giuseppe Saragat and others. The distinguished visitors were warmly greeted by Mayor McKeldin, Thomas D'Alesandro 3d, president of the Baltimore City Council, the Very Reverend Joseph Cesa, C.M., Rev. Robert Petti, C.M., and Samuel A. Culotta. During this reception, President Segni was presented with a key to the city by Mayor McKeldin. Thereafter, President Segni and his party rode in Mayor McKeldin's official car to Baltimore and boarded the train for Washington.

This was a proud day for Maryland, and we know that the rest of the Nation joins us in welcoming President Segni and his party.

Mr. President, I ask unanimous consent that a fine editorial from the Baltimore Sun be printed in the RECORD at this point.

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

ITALY'S SEGNI

President Antonio Segni of Italy, who arrives in this country today to visit President Johnson, appears frail and often acts that way, but in reality he is a tough politician with a strong will and a powerful drive. He is very much the embodiment of Italian Government, which for years has clung tenaciously to its basic international commitments, but which from time to time has seemed to show signs of serious enfeeblement.

On the eve of Segni's departure from Rome, in fact, a serious political upset has occurred, but it is of a kind which may result in a strengthening of the regime. The present coalition headed by Aldo Moro was made possible by the support of Pietro Nenni's Socialists. A dissenting Socialist faction has withdrawn and set up a new party which promises to ally with the Communists. A serious defection, on the face of it—except that it will now be possible for the conservative wing of Moro's Christian Democrats more wholeheartedly to support the coalition. What is more, the Government now will encounter less resistance in carrying out its commitments to the Atlantic Alliance.

President Segni, a Christian Democrat for 20 years, is in large part responsible for the tone of Italian policy, in domestic as well as foreign affairs. He is not the usual ceremonial figure, arrived in this country to partake of splendor but not of substance. He has been twice premier, once vice premier, four times agriculture minister, three times foreign minister, and variously responsible for defense, justice, and public instruction. He is immersed in the affairs of Italy, and he has never been able to separate the future of his country from the future of its allies. Up and down the capitals of Europe he has preached unity and strength, and more often than not he has found himself sympathetic with American causes.

His stay in this country, therefore, will not break new ground. It will be the occasion for renewing the already strong ties that exist between our two countries, for assuring him that a change in the American Presidency has not changed the direction of American leadership. Segni is not only an honored guest, he is also a close friend. Wherever he goes here he will find the welcome warm and genuine.

POSTMASTER GENERAL SCORES FOR EFFICIENCY, ECONOMY, AND PROGRESS

Mr. HUMPHREY. Mr. President, in the little more than 3 months since John A. Gronouski has headed the Post Office Department as Postmaster General, he has made a record as a topflight administrator. He proceeded immediately to follow through on the numerous programs begun in 1961 to improve the mail service of the Nation. At the same time he continued the initiative of giving better service, he has concentrated on achieving economy in the Department and reducing the postal service drain on the Federal Treasury.

After conferring recently with President Johnson, Postmaster General Gronouski announced a cut to be achieved by June 30, 1964, of 5,000 in postal employment and the institution of other measures to save the taxpayers thousands of dollars. In fact he has pledged to lower the postal deficit by $100 million in fiscal 1965.

While making these economies, the Postmaster General has pledged that no regular employee will be without a job. He has further pledged no curtailment of essential postal services.

As one means of doing this, Mr. Gronouski is developing increased cooperation among mail patrons so that the users of the mails themselves can make a substantial contribution to the Federal Government in saving post office funds.

The Post Office Department is the Nation's largest employer of Negroes, with 90,000 postal workers. Mr. Gronouski says:

I am especially proud that the Post Office Department has taken the lead in fair employment practices. There has been a marked rise in the number of Negroes in supervisory levels. At least 10 percent of the Department's 74,000 supervisory positions are now held by Negroes, twice as many as 2 years ago. Between 1962 and 1963 our total employment increased by 1.6 percent and our Negro employment by 3.3 percent. These are the results of a promotion system which is based on merit alone, regardless of race, creed, or color.

We knew that Postmaster Gronouski came to his position from a professional career as an economist and an excellent record in public administration in Wisconsin. He is not only finding the philosophy of President Johnson compatible but he is giving evidence that by demanding "a dollar's worth of value for

every dollar spent" we can have good government service, and at the same time release resources to make an all-out "war on poverty" and institute other programs the American people want to have for "a dynamic program of progress."

Recently, Postmaster General Gronouski delivered an address to Minnesota legislators at a Democratic-Farmer-Labor dinner in Minneapolis, Minn. He elaborated the achievements of the Kennedy administration and the philosophy of President Johnson as well as it has been done in any one place. He is too modest about his own talents and his own early achievements in carrying out this program. But it is a fine address, and I ask unanimous consent to have it printed in the CONGRESSIONAL RECORD at this time for the benefit of my colleagues.

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

ADDRESS BY JOHN A. GRONOUSKI, POSTMASTER GENERAL, AT THE DEMOCRATIC-FARMER-LABOR DINNER FOR MINNESOTA LEGISLATORS, MINNEAPOLIS, JANUARY 11, 1964

It is a great pleasure to be in Minnesota to help honor the legislators of the Democratic-Farmer-Labor Party.

As one who has shown more than a passing interest in the political affairs of my home State of Wisconsin, I have worked closely with many members of your party and I came to understand from personal experience why the DFL is held in such high regard throughout the Nation.

Some of you may know that while my job is Postmaster General and my favorite hobby is politics, I am an economist by profession. One of the greatest of all economists, and one of the truly original minds that America has produced, belonged to a son of Minnesota, Thorstein Veblen.

Veblen was born in Wisconsin, but deserted rather early and came here to Minnesota to live. After he got his Ph. D. at Yale, Veblen came back home to Minnesota. He was mocked and ridiculed by his neighbors because he spent 7 years apparently doing nothing. Actually, however, he was in training. For soon afterward, he burst into print with his famous "Theory of the Leisure Class" in which he came up with notions and phrases like "conspicuous consumption" that are still household words. Among other things, Veblen wrote about "the propensity for emulation."

I want to dwell on the "propensity for emulation" just long enough to say that I wish the leaders of the Democratic-Farmer-Labor Party were more widely emulated throughout the country. America would be a better place. They have given Minnesota one of the finest and most progressive governments in the Nation. The Minnesota Democratic-Farmer-Labor Party is synonymous with distinguished leadership, dynamic government, and clean but hard-hitting politics. Our revived and strong Democratic Party in Wisconsin learned a great deal from the Democratic-Farmer-Labor Party. I wish the propensity for emulation were as strong in some other States as it is in Wisconsin.

Robert Louis Stevenson once cynically observed that politics is "the only profession for which no preparation is thought necessary." Stevenson was able to make this statement only because he did not live to see today's DFL.

In Minnesota fellow politicians often turn out to be fellow educators too. Senator GENE MCCARTHY—who has already made a brilliant record in the Senate—is, like me, a former professor of economics. HUBERT HUMPHREY, our great Democratic Senate whip, taught political science at Macalaster College. Your outstanding mayor, Arthur Naftalin, is another former political scientist.

When one talks about illustrious Minnesota liberals, one could go on and on, but I want at least to pay tribute to your dynamic Governor, Karl Rolvaag; to another outstanding Minnesota Governor, Orville Freeman, who is restoring American agriculture to good health after 8 years of a pestilence called Ezra Taft Benson; and to Minnesota's four distinguished DFL Congressmen—JOHN BLATNIK, DONALD FRASER, JOSEPH KARTH, and ALEC OLSON.

I know that these gentlemen would agree with me that this is an historic and exciting time to be working in Washington. The tragic events of last November have left us somber but have revitalized our dedication. As President Johnson told the delegates of the United Nations General Assembly last month:

"The United States of America, sobered by tragedy, united in sorrow, renewed in spirit, faces the new year determined that world peace, civil rights, and human welfare become not an illusion but a reality."

It was fortunate for all of us that in the terrible moment of crisis we had a man of immense wisdom, energy, courage, and experience to take over the reins of Government. No Vice President in our history has been better qualified for the Presidency than Lyndon Johnson. His many years in the Congress gave him a broad understanding and appreciation of every area of government.

President Johnson was at the fulcrum of decisionmaking throughout the 3 years of President Kennedy's administration. He took part in meetings of the Cabinet and the National Security Council. He was Chairman of the Space Council and Chairman of the Committee on Equal Employment Opportunity. He was intimate with all phases of policy and able to assume the leadership of the Nation without a moment's hesitation.

The smoothness of the transition of administrations was enormously impressive and reassuring, not only to Americans, but to people all over the world. The orderly transferral of power, in a time of sudden crisis, was a dramatic demonstration of the stability of our Government. It made clear the maturity of American political society and the strength of our democracy.

I have enormous respect for the depth of President Johnson's experience. At Cabinet meetings, he has demonstrated a profound grasp of national issues and an imposing familiarity with the intimate details of the working of Government. The skill, vigor, and determination with which he has begun his Presidency have won him unprecedented public confidence. But the most important thing to me about President Johnson is his deep feeling for people and their problems. He is a man with a large heart—he has great human warmth, compassion, and understanding.

The President has made clear that the overriding business of this administration will be to build on President Kennedy's brilliant and tireless work for world peace. In the past 3 years we have witnessed a solid beginning in the difficult road to an honorable, just, and sound peace.

The dangerous brinkmanship of the Eisenhower years has been replaced by a firm, but flexible and optimistic foreign policy. Throughout the world, America has regained the initiative. In Latin America, the Alliance for Progress, though beset with problems, has begun to reduce the poverty and distress which are the breeding ground of dictatorships—and it has been given new impetus by President Johnson. The influence of the Communist bloc has been weakened throughout Africa and it has been forced to abandon its designs on the Congo.

Relations with most Asian nations have been improved. In 1960, anti-American feelings in Japan were so strong that they prevented a visit by the President of the United States. Today, relations with Japan are excellent.

Palpable forward steps have been taken to reduce the danger of war. The Arms Control and Disarmament Agency, devoting its full time on workable plans for disarmament, was created. The historic test ban treaty barring nuclear tests in the air, in space, and on the water was concluded. A direct line between the Kremlin and the White House—the so-called hot line—to be used in emergency situations was installed. The Peace Corps, one of the most sensational successes in American history, was begun. Senator HUMPHREY was one of the very early backers of the Peace Corps idea, which has captured the imagination of both young and old all over the world.

In his stirring state of the Union address last Wednesday, President Johnson called for further steps toward the control and eventual abolition of arms.

Even in the absence of a disarmament agreement, this country is making a dramatic gesture toward a further reduction of tensions. We are cutting back our production of the enriched uranium used in nuclear weapons by 25 percent, shutting down four plutonium piles, and closing down nonessential military installations. By this unilateral action we are demonstrating our determination to move ahead on the road toward a final and lasting peace.

At the same time, President Johnson has made abundantly clear that while we will continue to do everything within our power to break down the walls of hostility, we will at all times maintain our guard.

Unfortunately, there are still some people around who seem to oppose any step toward peace. These superpatriots are all around us. Theirs is a single-track, negative, and basically hysterical reaction to the complexities and realities of the modern world.

Even so, the superpatriots are not a new phenomenon in this country. Here is what a great Democrat of an earlier age, Andrew Jackson, wrote to President Monroe on the subject in 1817:

"Experience in the late war taught me to know that it is not those who cry patriotism the loudest who are the greatest friends to their country or will risk most in its defense."

For the members of our present day lunatic fringe, conducting foreign policy is a simple thing—it consists of rattling sabers and threatening nuclear destruction. Lord help us if these wild-eyed cold warriors ever gain power in this country. They would bring with them chaos and disorder and threaten us all with annihilation.

I have mentioned some of the advances we are making in the foreign field. Let me run through just a few of the domestic accomplishments of the last 3 years.

The minimum wage was raised to $1.25 an hour and the minimum wage law extended to cover 3½ million additional workers. The social security system was improved with increased minimum benefits and broadened coverage. The Area Redevelopment Administration was created to help bring new industries and new jobs to depressed areas. The Manpower Development and Training Act was passed to restrain men and women whose skills have become obsolete through automation.

Under Secretary Freeman's brilliant guidance of the farm program, farm income has increased, food prices have remained stable, and grain surpluses have been reduced at a considerable saving to the taxpayer. Net income per farm is up 17 percent from 1960.

Through Food for Peace, the country's surpluses are being used in a concerted attack on hunger throughout the world. Total ex-

ports of farm products in the last 3 years exceeded those of the comparable period in the Eisenhower administration by $2 billion.

As a result of these and other measures, America is again on the move. We are in one of the longest sustained peacetime booms in our history. Gross national product now exceeds $600 billion, $100 billion higher than when the Democratic Administration took office. Corporate profits are at an alltime high. Annual income has increased by $300 per person in the last 3 years. Personal income now averages $2,500 for every man, woman, and child in the United States. The average wage of factory workers now exceeds $100 a week for the first time. And on top of all this, prices have remained stable.

However, our work is far from finished. Our economy's performance is not measuring up to its full potential. Some $30 billion of annual production potential is going unused. Thirteen percent of our industrial plant capacity lies idle. While most of us are prospering, 4 million of our fellow citizens cannot find work.

The administration's tax bill is designed to help end this terrible human idleness and material waste. Its purpose is to further bolster the economy and take up its remaining slackness. It will boost demand, sharpen incentives, increase the flow of investment funds, and step up the rate of economic growth.

In his state of the Union message, the President declared unconditional war on the remaining poverty in our Nation. We need a program of health insurance for the aged. We need more hospitals. We need a better housing program.

We need a mass transit program for our traffic-clogged cities. The minimum wage law must be extended to cover individuals still not under it. And we must expand and improve our schools, our libraries, our colleges and universities if we are to keep pace with the great demand for trained men and women in an increasingly complex industrial society. And President Johnson told Congress that the Nation must have this program in 1964.

The President has also urged the Congress to give immediate consideration to the enactment of youth employment legislation, to the expansion of the area redevelopment program, and to an attack on the problems of the chronically distressed areas of the Appalachian region. He has asked for quick action on youth employment legislation to take aimless and jobless youngsters off the streets and put them to work on useful projects. He has asked for an expansion of the food stamp program and the creation of a National Service Corps, to help the economically handicapped in our own Nation as the Peace Corps helps those abroad.

And the President will finance his war against poverty by eliminating every area of waste in the Federal Government—by demanding a dollar's worth of value for every dollar spent.

As President Johnson has so clearly stated, the single most important item of unfinished business facing this Nation is civil rights. This is not only a matter of conscience, it is a matter of simple economics, of law, and justice. It is 100 years since the Emancipation Proclamation was signed by Abraham Lincoln.

Negro Americans have, during the year just passed, dramatically demonstrated their impatience with persisting inequities. They have a right to be impatient. They have waited long enough.

HUBERT HUMPHREY'S words, spoken at the 1948 Democratic Convention, still ring true. He said:

"The time has arrived in America for the Democratic Party to get out of the shadows of States rights and to walk forthrightly into the bright sunshine of human rights."

A Negro child born in the United States today, regardless of where it is born, has only about one-half as much chance of completing high school as a white child. It has only one-third as much chance of completing college and one-third as much chance of becoming a professional man. Its life expectancy is 7 years less than that of the white child. Its chance of becoming unemployed is twice as great. It has only one-seventh as much chance of earning $10,000 a year and its prospects for total income throughout its life are only one-half as much.

These are prospects that must be changed. No child born in this Nation must start out its life with less opportunities for education, health, employment, and well-being simply because of skin color.

Encouraging accomplishments have been registered in the last 3 years in the civil rights area. The Committee on Equal Employment Opportunities, headed by President Johnson, has taken steps to enforce nondiscrimination by those who do business with the Government. Stringent nondiscriminatory provisions are now being enforced in all Government contracts covering hundreds of companies and some 17 million employees.

A substantial increase has been recorded in the number of Negroes employed in the middle and upper grades of the career Federal service.

In my own department, we have approximately 90,000 Negro postal workers, making us the Nation's largest employer of Negroes. Because of this fact, I am especially proud that the Post Office Department has taken the lead in fair employment practices. There has been a marked rise in the number of Negroes in supervisory levels. At least 10 percent of the Department's 74,000 supervisory positions are now held by Negroes, twice as many as 2 years ago. Between 1962 and 1963 our total employment increased by 1.6 percent and our Negro employment increased by 3.3 percent. These are the results of a promotion system which is based on merit alone, regardless of race, creed or color.

President Johnson and everyone associated with him in this administration are totally dedicated to the passage of a strong civil rights bill. The time has not just arrived to treat all American citizens as equals regardless of their race. The time is long overdue.

"Let this session of Congress," President Johnson said on Wednesday, "be known as the session which did more for civil rights than the last hundred sessions combined." And in that spirit he added, "we must abolish not some but all racial discrimination."

The civil rights bill, and all of the other progressive legislation being proposed by President Johnson, will meet the inevitable opposition from the same arrogant gang of economic royalists, Ku Kluxers, John Birchers, and goosestepping know nothings.

They and their slick apologists and press agents are determined and well financed. But I am convinced that the large majority of Americans is in strong support of President Johnson and his dynamic program of progress. And I know that no stronger backing comes from anywhere than Minnesota, which has so long been a fountainhead of liberalism and truly democratic government.

TAX REFORM

Mr. ROBERTSON. Mr. President, yesterday, the distinguised senior Senator from Tennessee [Mr. GORE], referring to the pending tax bill, said:

Under the Dillon bill the actual tax payment of the typical person with a realized income of $1,500,000 per year will be 15.9 percent of such realized income.

Finding it a bit difficult to believe that a return of less than 16 percent was typical among those receiving incomes of more than a million dollars a year, I asked Secretary Dillon to explain that situation to me. I ask consent to have printed in the body of the RECORD at this point, a letter to me from Secretary Dillon in which he said of the table inserted in the RECORD by Senator GORE in which he quoted the low taxes paid by the ultrarich:

The table provided by Treasury is not a realistic one in this respect for taxpayers above $100,000.

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

THE SECRETARY OF THE TREASURY,
Washington, January 14, 1964.

Hon. WILLIS A. ROBERTSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ROBERTSON: You have requested my comments concerning a statistic that taxpayers with $1½ million of total income pay an effective tax rate of 15.8 percent.

This statistic was apparently derived from a table prepared by the Treasury Department showing the amount of taxes which typical taxpayers pay at various incomes. The table is on page 709 of the Finance Committee hearings, part 2. For the taxpayer with $1 million, there was presumably added tax under the present law of $261,929 to the after-tax income of $1,239,659 to get a total income of $1,501,588. This income divided by the tax shown in the table under the House bill of $238,037 yields an effective rate of 15.8 percent.

Unfortunately, the table provided by Treasury is not a realistic one in this respect for taxpayers above $100,000. One should not really talk in terms of typical hypothetical taxpayers at the very high incomes because of the wide disparity among such taxpayers at any specific income level in the types of incomes they receive and the types of expenses they incur and deduct. This was recognized by the Treasury in a letter to Senator SMATHERS on pages 2600–2606 of the hearings, part 5, which clarifies the data respecting high-income taxpayers.

There are more appropriate ways of looking at taxes paid by very-high-income taxpayers. One way is to look at the actual tax return data which Senator DOUGLAS placed in the committee's record and which are shown on page 278 of the hearings, part 1. The data show that the 300 taxpayers who reported incomes of $1 million or more for 1960 paid taxes on total income on the average of 32.3 percent and taxes on adjusted gross income of 47.8 percent. Similar data for 700 taxpayers reporting incomes of $500,000 to $1 million were 31.1 and 46.4 percent, respectively.

Instead of averages, another way of looking at actual tax return data is to examine the ranges of these percentages (or "effective tax rates") at certain incomes. Such data were presented by Senator DOUGLAS on pages 280–281. For example, in table 2–A the range of effective tax rates paid by the $1 to $2 million class is from zero percent up to over 80 percent on total income. That table shows that over half of the taxpayers with income including the full amount of capital gains of over $1 million actually and effective tax rates between 20 and 29.9 percent.

The main cause of low effective tax rates among many high-income taxpayers is the large proportion of their incomes arising from capital gains. Such gains are given preferential tax treatment under present law,

with a maximum tax of 25 percent. Consequently, another way of showing the different variations among high-income taxpayers is to present illustrations of taxes paid under varying assumptions as to capital gains. Senator SMATHERS inserted Treasury data into the committee's record which provide this information. In table 6 on page 2606 of the hearings, part 5, effective rates are shown for high-income taxpayers under assumptions that these taxpayers have high, medium, and low proportions of capital gains. For example, a hypothetical $2 million taxpayer with a high proportion of capital gains has an effective rate of 20.9 percent under present law, but the $2 million taxpayer with a low proportion of capital gains has an effective tax rate of 56.7 percent.

Another factor which greatly reduces tax in a number of cases for high-income taxpayers is the unlimited charitable deduction. The fact that many wealthy taxpayers use this device to hold down their effective tax rate has a noticeable impact on the average rate for all taxpayers with incomes of $1 million of adjusted gross income and over.

I hope that this material will be helpful to you in evaluating what weight to accord the quoted statistic.

Sincerely yours,

DOUGLAS DILLON.

DIAMOND JUBILEE OF SISTERS OF ST. JOSEPH OF NAZARETH, MICHIGAN

Mr. HART. Mr. President, this year marks the 75th anniversary of a small—but devoted and remarkably effective—order of Catholic nuns: the Sisters of St. Joseph of Nazareth.

In this case, Nazareth refers not to Christ's birthplace but to a small community in Michigan which was founded when Msgr. Francis A. O'Brien invited 11 pioneer sisters to western Michigan from Watertown, N.Y.

Today, the order numbers 779 sisters on active duty in grade and high schools and another 99 in teacher training.

And as of now the order administers Nazareth College, 6 hospitals, and 72 schools, along with 2 highly accredited schools of nursing, 2 homes for dependent children, and a licensed child-placement agency.

The sisters also conduct vacation schools and after-school religious training for children attending public schools.

Here is a truly remarkable record of progress, Mr. President, and I commend these dedicated women for having accomplished it. Their motive has nothing to do with public acclaim, but their service to their fellow man should have this place in our RECORD.

MRS. ESTHER PETERSON, AN ADVOCATE FOR THE CONSUMER

Mrs. NEUBERGER. Mr. President, the precept that a dollar spent shall buy a dollar's worth is being extended by the administration to protect the American consumer's paycheck, as well as the Federal Treasury. This action was reflected in the Executive order issued by President Johnson on January 3, 1964, establishing the President's Committee on Consumer Interests and the Consumer Advisory Council. The President climaxed the move to give the American consumer a real voice in the councils of Government by appointing Mrs. Esther Peterson as Special Presidential Assistant for Consumer Affairs. Mrs. Peterson will be Chairman of the President's Committee.

Thus, for the first time in history, the interests of the American consumers will be directly represented in the White House. The consumers' interests will be both directly and ably and effectively represented by Esther Peterson. It was my good fortune to work closely with Mrs. Peterson on the President's Commission on the Status of Women. Her talents and abilities are well known also through her work as Assistant Secretary of Labor.

Under Mrs. Peterson's determined leadership, we can now look toward an era of improved protection of consumers' rights. I ask unanimous consent to have printed in the RECORD articles from the January 13, 1964, issue of Advertising Age entitled "Consumer Groups See More Activity in White House Setup With Mrs. Peterson" and "You Ought to Know—Esther Peterson."

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

[From Advertising Age magazine, Jan. 13, 1964]

CONSUMER GROUPS SEE MORE ACTIVITY IN WHITE HOUSE SETUP WITH MRS. PETERSON

(By Stanley E. Cohen)

WASHINGTON, January 9—Consumer organizations are delighted with the new machinery which President Johnson has created in the field of consumer protection, but they are not without their reservations.

Under the new setup, their spokesmen will have direct access to the top policy levels of Government. However, there are still some other uncertainties.

Probably the thing the consumer organizations like best about the new arrangement is the individual who has been chosen as the President's adviser for consumer affairs—Esther Peterson. For many years she was a Washington lobbyist for the Amalgamated Clothing Workers, and then for the industrial union department of the AFL–CIO. There's general confidence she will prove to be an articulate and skillful lobbyist for consumers.

Consumer organizations also like the fact that Mrs. Peterson will have a staff to coordinate the activities of the new Committee on Consumer Interests. The old Consumer Advisory Council, created by former President John F. Kennedy, had only enough staff to handle routine secretarial matters. When the subcommittees developed potentially productive proposals for investigations, there was no one to do the work.

The staff is particularly important in this instance, because Mrs. Peterson is to continue to handle several other assignments. For one thing, she will retain her post as Assistant Secretary of Labor, with direct responsibility for some of the Department's busiest sections—the Women's Bureau and the Bureau of Labor Standards. In addition, she serves as vice chairman of the recently organized Interdepartmental Committee on the Status of Women.

That's a lot, even for a dynamic person like Mrs. Peterson. Consumer organizations feel that without a good, alert, full-time staff to direct her energies where they will do the most good, Mrs. Peterson will get lost in the scramble. Needless to say, she was getting plenty of advice this week on the kind of staff to organize, and the particular person who might do the best job as staff director.

There are some things about the President's Committee on Consumer Interests which are unique, and which will have to be worked out with experience. For one thing, it is not simply an interdepartmental committee composed of representatives of various Government agencies. In addition to Government people, it will also have an undetermined number of private citizens, who will be designated by the President.

The Committee is "to consider the Federal policies and improve the Federal programs of primary importance to consumers." Most intergovernmental committees concerned with recommending improvements in Federal activities are composed solely of Government people, and even then they are often inhibited about baring their souls to each other. Whether an interdepartmental committee consisting of both Government people and outsiders will be able to function creatively is one of the challenges that awaits Mrs. Peterson.

Since the President has not indicated how many public members he intends to have on the Committee on Consumer Interests, it is unclear at present whether the Government representatives will outnumber the public representatives or vice versa. We know, for example, that there will be at least nine Government representatives in addition to Mrs. Peterson—representatives from the Departments of Justice; Interior; Agriculture; Commerce; Labor; Health, Education, and Welfare; the Housing and Home Finance Agency; the Federal Trade Commission; and the Council of Economic Advisers. The President also has reserved the right to add other Government representatives.

Meanwhile, however, the President has saddled himself with another condition which tends to confuse the situation. The old Consumer Advisory Council which was appointed by Mr. Kennedy last summer is to go out of business, and the public members of the new Committee on Consumer Interests are to have two jobs. In addition to serving on the Committee, they are to constitute a new Consumer Advisory Council, which will meet separately from the Committee on Consumer Interests and carry on the duties of the existing Consumer Advisory Council.

Presumably, the President will have to put a representative number of public members on the new Committee on Consumer Interests. Otherwise the meetings of the Consumer Advisory Council will be rather lonely affairs. On the other hand, if he simply reappoints all of the members of the existing Consumer Advisory Council, the public members of the new Committee on Consumer Interests will outnumber the Government members.

Marketers have a special interest in the staffing and programing of this new unit, because it is clear from the President's statements that much of its effort is to be focused in the field of deceptive practices.

"The American marketplace—where free men and women sell, buy, and produce—has proved itself as the generator of the world's highest standard of living," the President noted in announcing the experiment.

"But to reach new heights, its best practices must become common practices. An unrelenting fight must be waged against the selfish minority who deceive or defraud the consumer, who exact unfair prices or levy unfair charges.

"My special assistant and the new Committee will lead the campaign of America's homemakers against such sharp practices and unwarranted price increases."

Members of the old Consumer Advisory Council were briefed in advance about the appointment of Mrs. Peterson, and the creation of the new Committee on Consumer Interests. Apparently that is one of the reasons they came away from their meeting with President Johnson early last month so thor-

oughly sold on him as someone they could rely on.

They are, however, conscious of the fact that the new arrangement is probably somewhat short of the concept that Mr. Kennedy talked about during the 1960 campaign. At that time, he talked of a "consumer counsel" on the White House staff who would actually speak up for the consumer when legislation or administrative proceedings were under way which touched on the consumer's interests. And some consumer friends in the Senate were recalling that this week.

One of the great causes of dissatisfaction with the old Consumer Advisory Council was that it simply passed resolutions for the advice of the President or, more particularly, his staff. Occasionally, when it served the political interests of the administration, some of these were released to the press. But the Advisory Council itself never appeared at a legislative hearing or an administrative proceeding to give authoritative advice in the name of the consumer.

Anyone who has seen Mrs. Peterson in action knows that she excels as a witness before a congressional committee. So she certainly will not shy away from this particular chore in behalf of consumers.

But Congress isn't the only forum the consumer organizations have in mind. More and more, she will be expected to take on the role of a true "consumer counsel," and make her views known at the multitude of agencies and tribunals which are making decisions that touch on the freedom of the market, and the behavior of businessmen.

[From Advertising Age magazine, Jan. 13, 1964]

YOU OUGHT TO KNOW—ESTHER PETERSON

Esther Peterson, who was formerly Washington lobbyist for the Amalgamated Clothing Workers of America, and then for the trade union division of the AFL–CIO, will now be the official lobbyist for all American consumers.

As Special Assistant to President Johnson for Consumer Affairs, and as Chairman of the new Committee on Consumer Interests, she is supposed to see that White House policymakers learn about programs the Government should undertake in behalf of consumers.

She will not only lobby for new programs in behalf of consumers, but she will also lobby against approval of legislation or programs which the Committee regards as bad for consumers. And she will do her lobbying on Capitol Hill, as well as in the White House.

Shortly after her selection as the Nation's first Special Presidential Assistant on Consumer Affairs, she touched on some moves she expects to make.

High on her agenda will be a series of regional conferences, to get first-hand reports on consumer problems. This will generate publicity and encourage Mrs. Average Housewife to write in and report her troubles.

As the Labor Department's witness during testimony on the truth-in-packaging bill last March, she talked eloquently about her concern about tricky phrases and packaging. She expects to put all her lobbying skill behind the fight for Senator PHILIP HART, Democrat, of Michigan's, packaging legislation, and Senator PAUL DOUGLAS, Democrat, of Illinois, "truth in lending" bill.

At the Hart bill hearings, she presented a bread-and-butter approach to the consumer's problems. "I think it is the part of a responsible government," she declared, "to do what it can to protect the people who need to have their money go absolutely as far as it possibly can."

In addition to her new assignment, Esther Peterson will continue to carry several other jobs, all fulltime occupations by themselves.

She is to continue to serve as Assistant Secretary of Labor, a post she has held since 1961, which involves supervision over the Department's Women's Bureau and the Division of Labor Standards. On top of that, she is to continue as executive vice chairman of the interdepartmental Committee on the Status of Women.

Doing several jobs simultaneously is a familiar state of affairs for Esther Peterson, for as a young schoolteacher, and later as a mother and homemaker, and finally as a labor union official, she has always had more than one "iron in the fire."

Born in Utah in 1906, she is the daughter of a county school superintendent and a family of Scandinavian background. By 1930 she had graduated from Brigham Young University and Columbia Teachers College. While teaching in Boston in the early 1930's she was also a volunteer teacher at the YWCA, mostly with factory girls who were doing piecework. "I remember when they got $1.32 for making a dozen housedresses," she recalls.

After marriage in 1932, she was a housewife and mother much of the time, but she took temporary positions at the Bryn Mawr summer school for women workers in industry, the Hudson Shore labor school, the International Ladies' Garment Workers' Union, and the American Federation of Teachers.

From 1939 to 1947 she was with the Amalgamated Clothing Workers of America, originally as assistant director of education, then as Washington legislative representative. During the next 6 years she was in Sweden and Belgium with her husband, a labor attaché in the foreign service (now retired, and lecturing at American University). It was frequently said that in the Petersons, the Government got two workers for the price of one, because Esther Peterson kept occupied attending the labor union activities abroad which helped her husband, and broadened her own horizons.

In 1957, following return to the United States, she tended her garden and kitchen, but she also became a lobbyist for the AFL–CIO, until President Kennedy appointed her Assistant Secretary of Labor in 1961.

Besides supervising the operating branches of the department which were assigned to her, she was constantly on tap for special assignments. Since taking office, she has been a Government representative at international meetings in Manila, Japan, Geneva, Sweden and Germany. She also had time to represent the United States at the opening of a trade fair in Tunisia.

When Mrs. Eleanor Roosevelt died, she took over the uncompleted work of the President's Commission on the Status of Women. She was a moving force behind a report to the President last fall. She regards the finesse and diplomacy that went into drafting that report as one of her crowning formal achievements.

The new interdepartmental Committee on the Status of Women, which was an outgrowth of that report, bears a remarkable structural resemblance to the new machinery set up to deal with consumer problems. Both have a committee which includes representatives of all interested Government agencies (though the consumer group will also include some public members) and both also have an advisory committee.

One of the points in the report on the status of women may become increasingly significant as Mrs. Peterson selects the spots where she can do the most good for consumers. "Most women are not the privileged ones who have freedom of choice about their way of life and this new leisure," it comments. "They are squeezed in an economic vise which makes their families depend on their earnings."

Karen, the oldest of the Peterson's four children, graduated from Wellesley in 1960, and Eric, the oldest boy, from Harvard in 1961 (he subsequently went to the Philippines with the Peace Corps). Iver is at Harvard, and Lars, the youngest, is still in prep school.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

GERMANENESS OF DEBATE UNDER CERTAIN CONDITIONS

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the resolution (S. Res. 89) providing for germaneness of debate under certain conditions.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the senior Senator from Pennsylvania [Mr. CLARK] for himself and the junior Senator from Pennsylvania [Mr. SCOTT] as a substitute for the language of the resolution as amended.

TRIBUTES TO THE LATE PRESIDENT JOHN FITZGERALD KENNEDY

Mr. JAVITS. Mr. President, I have been sent, by the well-known author and poet, James T. Farrell, a beautiful poem about the late President Kennedy. I ask unanimous consent that it be printed in the RECORD.

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

JOHN FITZGERALD KENNEDY

He rode, smiling, in sun and triumph.

Six seconds
Of naked tragedy
And of the ultimate, terrible beauty of death—

He was no more,
We wept in the solitudes of our silence,
With the solidarity of grief.

—JAMES T. FARRELL.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a eulogy of the late President Kennedy which I have received from Manhattan Chapter No. 23 of the National Association of Retired Civil Employees.

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

JOHN FITZGERALD KENNEDY, 35TH PRESIDENT OF THE UNITED STATES

(Eulogy of our late President John F. Kennedy delivered by John H. Sheehan, member of the executive committee, Manhattan Chapter No. 23, New York, N.Y., National Association of Retired Civil Employees, at the regular chapter meeting, Wednesday, Dec. 18, 1963)

On November 22 while visiting Texas to aid in solving the political differences in the

Democratic Party of that State, President John F. Kennedy was shot down by an assassin's bullet thus ending the short term of 3 years as our national leader. What benefit could result to the assassin or those similarly motivated by hatred and ill will because of the administration's bills in Congress now being considered.

All of us know the statements made by the Governors of Alabama and Mississippi through the press and on television in opposition to the decision of the Supreme Court in the integration of the schools. Their defiant activities were completely hostile to the administration's effort to enforce the Court's decree thus stimulating discord among the people of the South.

His death made an indelible impression on Americans and to the world beyond. The fact he governed—made our country's decisions and the courage indicates the confidence which he possessed abundantly. At the time of the Bay of Pigs fiasco in Cuba for which his opponents severely criticized him although not to blame, he assumed the responsibility without passing the onus to others in the CIA. Although serving less than 3 years he demonstrated his ability to exercise the full authority of his high office so capably that the world is in a large measure indebted for the brief leadership of John F. Kennedy.

The high spirited ideals which were so well exemplified by him during his career will be missed at home and abroad. The frequent appearances on television during the meetings with the press and the flash of the Kennedy grin in making responses so readily will be of immeasurable loss to millions of his admirers who were fascinated by his wit and thoroughness of his prompt replies. The New Frontier is now behind us but we shall remember the statement at his inauguration: "Ask not what your country can do for you, ask what you can do for your country." When he was inaugurated he predicted that his dream of a new America would not be achieved in the first 100 days—nor in the life of this administration, nor even perhaps in our lifetime on this planet and how prophetic this became in so short a space of time. But he said let us begin—which he did so nobly until his death.

John Kennedy was possessed of the attributes that manifest his qualifications of greatness to an extraordinary degree. Let us recall the showdown with Khrushchev in Cuba in 1962 when we were on the edge of conflict that might have resulted in nuclear war, the confrontations over Berlin, the sending of troops to Vietnam, the release of Professor Barghoorn by the Soviets, to suitably estimate the courage of our leader. At home he had to face the adversaries over civil rights which threatened him with political suicide and yet he never flinched in the performance of his duties. A man's greatness may not be easy to measure at close range. It is not measured by how much other men may agree with him—nor how little. It is measured by how strongly he stands for his convictions and how effectively he pursues the goals he sees above and ahead.

A leader may command the art of persuasion to a large extent but eventually discussion must close with the decision to be made solely by him. After due deliberation he must stand by it and cause it to be carried through despite the protests of those who cannot be persuaded. He must draw apart from others in reflecting on the import of his views and seek the loneliness which the person of supreme power has to undergo in directing the ship of state through troubled waters. This is the faith one must have in a good cause from which follows the power of making his decision.

On June 9, 1961, the President said in an address that of these to whom much is given—much is required. And when at some future date the high court of history sits in judgment on each of us—recording whether in our brief span of service we fulfilled our responsibilities to the state—our success or failure, in whatever office we may hold, will be measured by the answers to four questions: (1) Were we truly men of courage? (2) Were we truly men of judgment? (3) Were we truly men of integrity? (4) Were we truly men of dedication?

In his last speech at Fort Worth on November 22 before going to Dallas, he stated that we in this country, in this generation, are—by destiny, rather than by choice—the watchmen on the walls of world freedom. We ask, therefore, that we may be worthy of our power and responsibility—that we may exercise our strength with wisdom and restraint—that we may achieve for our time and for all time the ancient vision of peace on earth, good will toward men. That must always be our goal—and the righteousness of our cause must always underlie our strength.

The tragic death has brought home to most Americans that they had in John F. Kennedy a more remarkable President than they had understood. Too few of the American people realized the importance of the measures he advocated to solve the problems at home and abroad to advance the cause of peace for all mankind. The revelation of how much the rest of the world respected him; the extraordinary spectacle of 220 foreign leaders at Arlington Cemetery expressed more worldwide grief and concern than anyone knew existed. Another important memory is the courage and dignity of Jacqueline Kennedy throughout her ordeal. Well done thou good and faithful servant that you may now enjoy the rest and blessing for a job well done.

THE CIVIL RIGHTS BILLS—A BLOW TO LABOR UNION FREEDOM

Mr. HILL. Mr. President, if a Member of the Senate were asked to incorporate in a single phrase the fundamental reason why there is a Congress, we would be hard put, I venture, to improve on this single thought: Congress was created to protect the rights and responsibilities and freedoms of the American people—all of the American people.

Contrariwise, Congress was not created to insure special privilege for one segment of our people at the expense of another.

And because the civil rights bill now pending in the House of Representatives would impose this unfair condition—that is, benefit one group at the expense of others—I rise to speak against it: The civil rights bill has nine sections, and each of its titles, in one degree or another, seeks special privilege for special groups.

Because of the bill's vast scope and ramifications, it is not practical, in a single speech, to deal with it in total. Instead, and because it is my privilege to serve as chairman of the Senate Labor and Public Welfare Committee, I will confine my remarks to the effects this legislation would have on organized labor.

THE CIVIL RIGHTS PROPOSALS WILL UNDERMINE THE FREEDOM OF ORGANIZED LABOR

Let me begin, then, in candor: The civil rights bill will undermine the freedom of organized labor. It will tear from it the muscle and sinew it has developed over 100 years of sometimes frustrating, always strenuous struggle. If this bill becomes law, the benefits which organized labor has attained through the years would no longer be matters of "right," but would become matters of "administrative grace," to be disbursed by Federal bureaucrats as rewards for good behavior or withheld as punishment when any union does not comply with all their demands.

Some of the bill's specific, adverse effects may be listed: First, it would undermine a basic fabric of unionism, the seniority system; second, it would make it possible for labor unions to be denied their representation rights under the National Labor Relations Act and the Railway Labor Act; third, it would permit Federal agencies to withhold the protection labor unions presently enjoy against unfair raiding and displacement; fourth, a union held in violation of this bill's provisions could be denied its place on the ballot in representation elections, and other procedural rights under the National Labor Relations Act and the Railway Labor Act to file unfair labor practice charges with the National Labor Relations Board; and fifth, employers would no longer be legally bound to deal with unions held in violation of the bill.

Up to now the functions exercised by Federal agencies under Federal labor statutes have been directed principally toward protection of union rights and enforcement of benefits provided for workers. Under the proposed civil rights legislation the emphasis could be entirely shifted and Federal agencies would be empowered to set aside rather than protect these union rights and benefits. These new regulatory powers could well mean a transfer of administrative authority from the heretofore friendly hands of labor agencies to the unfriendly hands of overzealous civil rights enforcers. Pressures would be brought by the U.S. Commission on Civil Rights upon staffs of all Federal agencies administering programs involving any financial assistance. The Equal Employment Opportunity Commission created by the act would doubtless be composed of zealous civil righters who would undertake to make it a super-Government agency.

This new agency could thus set aside rights and benefits which labor unions and their members have achieved through legislative action in Congress over a period of almost 40 years. Virtually every right and benefit now provided under Federal labor laws has been achieved only after hard-fought legislative battles. The adoption of the proposed civil rights bill and creation of the new enforcement Commission would undoubtedly open a Pandora's box which could unloose potentially destructive effects upon all organized labor.

TITLES VI AND VII

The two titles of this bill that are of particular interest to labor and to which I shall address myself are titles VI and VII. I shall speak to both of them interchangeably because, essentially, one supplements the other. Whereas title VI uses broad language in a mandatory fashion—it requires governmental agen-

cies to act in case discrimination is found—and applies its penalties chiefly to employers, title VII on the other hand, is specific and applies expressly to labor unions as well as to employers.

In either case, so far as labor unions are concerned, both titles affect them adversely. Together or separately, either would undermine and diminish the hard-won rights of labor.

Let us begin then by quoting title VI.

Section 601 of title VI reads, in part:

> Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Also, section 602, which follows, provides:

> Each Federal department and agency which is empowered to extend Federal financial assistance * * * shall take action to effectuate the provisions of 601.

Then section 711(b) reads:

> The President is authorized to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States.

It is worth noting, while these titles—as indeed the whole bill—are directed at the abolition of discrimination, the word itself is nowhere defined in the bill.

There is no Member of this body—indeed, there are few in this Nation—who would quarrel with its apparent meaning; equal treatment is the cardinal precept of our democratic processes; deny it and you deny the hope of us all.

But its apparent meaning—as so often is the case—is not its real meaning. Its real meaning—as the effects of this bill make abundantly clear—is the reverse. As I shall show, the bill would diminish rights of Americans, it would not implement them. These titles would destroy the freedom of choice of union leaders, union members and employers. It would substitute the dictation of Federal personnel backed by Federal force.

Therefore, I oppose it.

HOW IT WOULD WORK

For purposes of illustration, consider with me a situation typical of those sure to arise if this bill becomes law.

Assume a construction job is in progress—under "any program or activity receiving Federal financial assistance." Assume it is of such magnitude as to call for 300 carpenters. And assume a Federal inspector demands, as would be his duty, to inspect the contractor's books as they pertain to hiring. And assume the inspector found employment was not in conformance with his construction of the language of the law because there were less carpenters, proportionately, of a given race than of another race, that the job was not racially balanced.

Consider the chain of events that would be set in motion by that finding.

Logically, to bring the job into balance the inspector would begin with the contractor, demand of him that he racially balance his 300 carpenters.

What would be done?

Under the exclusive bargaining agreement he has with the union, the contractor's normal course would be first, to call the local and tell the agent of the inspector's demand.

Then what?

Suppose that racial balance on this particular job called for 200 white carpenters and 100 Negro carpenters; and the local handling the job had, in total, but 90 Negro journeymen among its membership. At the time this question comes up, 50 of the Negro carpenters were employed elsewhere but 40 were still in the hall, awaiting a job. Assume there were 75 white carpenters also awaiting a job. And the call came for 100 Negro carpenters.

How in the world would the union go about supplying any such specific numbers as those required?

There can be no question: Under the provisions of this bill the union could be forced to go into the street and recruit nonunion Negro carpenters—even though qualified white journeymen, union members in good standing, sat idle. If the union could not recruit them, the contractor could be forced to employ nonunion carpenters until the quota was filled.

Many people have overlooked the broad scope of the bill. It is not limited to "Government contractors." Title VII applies to every employer and every labor union engaged in interstate commerce—excluding those with less than 25 employees or 25 members, respectively. Title VI contains no such exception and applies to every federally assisted program or activity.

COMPOUNDS THE PROBLEM

Thus, you see, Mr. President, the provisions of the bill actually compound—they do not lessen—the problems of integration. Contrary to the expressed intent of the legislation, the bill would force employers and unions, both, to discriminate, to hire by race. It would not abolish the practice.

That racial balance in unions will be required is demonstrated by the rules issued by Secretary of Labor W. Willard Wirtz effective January 17, 1964, applying to apprenticeship programs of unions. These require the taking of whatever steps are necessary in acting upon application lists developed prior to this time, to remove the effects of previous practices under which discriminatory patterns of employment may have resulted. They also provide that selection of apprentices may be made on a basis other than qualifications alone if such selections would themselves demonstrate that there is equality of opportunity. This appears to be devised as a means of giving racial preference to Negroes until racial balance is obtained. If the pending bill is passed, similar action may be expected as to all phases of union activity and by every agency of the Federal Government within its jurisdiction.

Bear with me.

Assume, for a number of readily apparent reasons, neither the contractor nor the union seeking to man this job complied with all the provisions of the law. That is, for whatever reason, precisely 200 white carpenters and 100 Negro carpenters were not employed. What then?

Go back to the language of the bill. Section 602 of title VI says:

> Each Federal department and agency which is empowered to extend Federal financial assistance * * * shall take action to effectuate the provisions of 601.

ACTIONS TO BE TAKEN

Well, what action? What measures shall—that is mandatory language, I point out—what measures shall Government use to enforce these provisions? What measures are available to it?

So far as the employer is concerned there are many Federal departments and agencies—more than 100—which extend direct or indirect financial assistance to various programs. And every one of them would be compelled, by the language of the bill, to use their power to enforce compliance by canceling the contract or activity. And I need not add, it makes little difference to the working man what caused the job to shut down; whether the contractor's bank has been told to shut off the contractor's credit, or whether the FHA refuses to do business with him; in any case, the result is the same; the job is shut down, the working man has lost his job.

That is one part of it, from the employer's side but, let us see what enforcement steps could be taken against a union involved in such a situation.

Under the broad grant of power in titles VI and VII, the Federal Government, at the direction of the several rights enforcement agencies, could deny to the unions the services of those agencies designed to protect the rights of labor. The first such agency that comes to mind is the National Labor Relations Board. The representation status of a union before the Board could be suspended or canceled.

The effect of such suspension, as any union man can tell you, would deny the suspended union access to NLRB or National Mediation Board procedures and would remove existing protections against raiding or displacement by a rival union. The suspended union, thereafter, would not be allowed on a ballot in any representation election, even though it had a majority status among the employees. Moreover, the employer would have no legal obligation to bargain with it. In short, under this bill, all of the rights which a union has under the National Labor Relations Act or the Railway Labor Act could be suspended.

The status of any such union would be similar to that of a union whose officers failed to file non-Communist affidavits under the former section 9(h) of the Taft-Hartley Act. Not only could the union not appear on the ballot in a representation election, but it would not be allowed to file an unfair labor practice charge under section 8 of the act, or otherwise seek NLRB protection of its collective bargaining rights or status under the National Labor Relations Act.

The suspension of a union's status as the collective bargaining agent for its membership would similarly affect its

power to enforce—insofar as Federal law is concerned—the provisions of a collective bargaining agreement that called for a union shop; it could not enforce a checkoff of union dues; seniority rights could be ignored; and numerous other provisions which have become standard features of labor-management contracts would be unenforcible. Concerted action by the union to enforce its collective bargaining demands would no longer be protected actively under Federal law and the employer would be free to take counter action which would otherwise be prohibited as an unfair labor practice.

DESTROYS UNION RIGHTS

In short, the provisions of this bill would allow Government agencies to withhold union rights and benefits due them under the National Labor Relations Act; under the Railway Labor Act; under the Davis-Bacon Act; under the Walsh-Healey Act; and under other beneficial labor legislation. The unprecedented range of these enforcement powers would mean more extensive and more stringent Federal regulation of labor unions than has ever before been proposed. By comparison, the regulation of unions imposed by the Taft-Hartley Act and the Landrum-Griffin Act fade into insignificance.

EMPLOYERS WOULD HAVE TO RECRUIT

Nor is that the end of it. Powers given civil rights enforcement agencies under this bill, as I have implied, would allow them to bring pressure upon employers—through threat of contract cancellation or debarment—to actively recruit nonunion employees. As is immediately apparent, this could result in displacement of union mechanics. Moreover, if skilled nonunion workers were not available for recruitment, the Federal Government might insist that the employer provide whatever on-the-job training was thought necessary to qualify unskilled workers of the race needed to balance the job. In carrying out such a program the employer could be directed to ignore any existing union contract arrangements or apprenticeship programs to the contrary, as well as any union shop or exclusive hiring hall agreements.

Let me emphasize that: These powers could be directed not only toward elimination of discriminatory hiring in general, but also toward all job classifications, specifically. Racial balance might be required in every position, from floor sweeper through superintendent, on to the topmost rung of employment. And if that meant recruitment by the employer, then he would have to recruit. If it meant on-the-job training, then on-the-job training would be required. Race—not ability, not seniority, and union contracts notwithstanding—would be the first criterion—the exact opposite of what the language of the bill apparently says.

APPLIES UNIVERSALLY

These powers extend to railroads; motor carriers; airlines and steamship companies that handle mail or other Government shipments; all industries furnishing supplies to the Government; enterprises receiving loans from the Small Business Administration; construction of individual homes financed through FHA or GI home loan insurance; banks and savings and loan associations; the rural electrification program; and scores of other Government programs, such as the interstate highway program; hospital construction under the Hill-Burton Act; all forms of aid to education and agriculture; and the Federal airport program. And they extend to every Federal agency empowered to extend Federal financial assistance to any program or activity by way of grant, contract, or loan.

Under this legislation, once racial discrimination is found to exist, the various Federal agencies will be required to suspend any further award of contracts, or Federal assistance programs or activities.

Thus, the Department of Defense, for example, might refuse to award contracts for defense supplies wherever jobs were not racially balanced. And that would apply with equal force in Illinois as in Alabama, in Ohio as in Mississippi. Today, no State has racially balanced work forces, and none has ever had.

ARBITRARY POWER

Highway construction and other activities involving Federal assistance might be suspended in any given State. Thus, Federal departments would be in a position to reward certain areas for compliance, and to punish other areas for noncompliance. They could do so under whatever rules and regulations the President or the administrator of the Federal agency might adopt—for the law provides, in effect, that the President or his appointees can do whatever either thinks needs to be done to obtain compliance.

In the process, job opportunities could be shifted to those States or areas which Federal agencies arbitrarily decided to be the more deserving. Thus, many vital State programs would be subject to the whim of the so-called social engineers who would be shaping the civil rights policies of the Federal agencies. Actually, this would create a situation whereby the Federal Government could tax residents of any State—the Federal gasoline tax comes first to mind—and then could withhold from the State the benefits of the programs which the tax was designed to finance.

Such are some of the major effects this bill would have.

THE NEW COMMISSION

Even so, that is not the end. In addition, the bill would establish an enforcement agency, to be known as the Equal Employment Opportunity Commission. The Commission would have power to prevent the various employment practices declared unlawful under title VII, and would have power to investigate any charge or complaint filed by any person, or by a member of the Commission itself, that a labor organization has engaged in an unlawful employment practice. Even without a single complaint, Federal inspectors would appear. Among other enforcement procedures, the Commission would be authorized to institute civil actions against labor unions in Federal courts, to stop the practice. If the Commission itself declined to bring such action, the person claiming to be aggrieved could, with permission of any one member of the Commission, file a suit, seeking an injunction against the union claimed to be responsible for the alleged unfair labor practice.

As can be seen, under these provisions of the proposed legislation, an individual grievant could, on the grounds of race, alone, institute legal proceedings for the covert purpose of compelling his admission to a union otherwise closed to him.

CRIMINAL OFFENSE

The bill makes it a criminal offense for any person to interfere with the efforts of the Commission to carry out its enforcement authority, and authorizes the sum of $2,500,000 to be appropriated for enforcement purposes during the first year of its existence, and $10 million for enforcement during its second year.

A warning of the ultimate effect of the bill, if enacted, is found in the fact that crash programs to upgrade specific groups are being resorted to with growing frequency. I need not add that anyone who is placed in a skilled position, as a result of such forced draft, is denying the job to another who has won his right to it through years of assiduous self-help and by standing in line, awaiting his turn, just like anyone else.

PREFERENTIAL TREATMENT DEMANDED

To inspire such crash programs, pickets have chained themselves to equipment, have lain prostrate in the streets, and have tyrannized timid public officials. Indeed, one organization dedicated to this sort of thing has made the demand that only its membership, those of its racial makeup, should be hired—none other. Nondiscrimination is no longer sufficient; preferential treatment is demanded. It is to preferential treatment, as embodied in this bill, that I most vigorously object.

Up to now, justice has been the end sought. Federal agencies operating under Federal labor statutes have directed their efforts principally toward the protection of union rights and the enforcement of just benefits provided for workers. Under the proposed civil rights legislation, the emphasis would be entirely shifted, and Federal agencies would be empowered to set aside, rather than protect, these union rights and benefits.

Thus, the legislation creating this new agency would, when coupled with other features of the bill, set aside rights and benefits which labor unions and their members have, since Samuel Gompers' day, sweated to obtain. It would thrust the zealous civil-rights enforcers deep into the affairs of every union, and they would not hesitate to shunt aside the rights of the majority of rank-and-file members, in order to accomplish benefits for their special charges.

If a union were divorced from its membership, as this bill proposes to do, it would become only a husk, nothing more than a vast, devitalized conglomerate.

I am opposed to any legislation which would undermine labor union freedom

and would deal it a severe blow, as this bill would do. I am opposed to the civil rights bill.

MEAT IMPORTS

Mr. ALLOTT. Mr. President, in the past few weeks, many Members of the Senate have called to the attention of the Senate the great difficulties in which the raisers and feeders of meat animals in this country find themselves—in particular, by reason of imports. A week or so ago, I spoke on the subject of the imports of both lamb and beef, and prepared a statement which, on January 10, I submitted to the Tariff Commission. The statement deals with both lamb and wool, and I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY SENATOR ALLOTT TO U.S. TARIFF COMMISSION REGARDING WOOL IMPORTS, JANUARY 10, 1964

My statement is made primarily on behalf of the farmers and ranchers of Colorado who depend upon the production of wool and lambs for a livelihood. Colorado has long been a major producer of wool, with a total production of shorn wool for 1963 of 15,199,000 pounds, has been the leading producer of lamb, and also has the Nation's leading sheep and lamb stockyard at Denver.

Last month, you held hearings on red meat imports, and I am sure you received much valuable information demonstrating conclusively the adverse impact of our present high rate of imports on both the cattle and sheep industries. However, in this present hearing you are concerned with the second half of the sheep industry picture; that is, the impact of imports of raw wool and manufactured wool upon our domestic wool producers. I am sure that many of the witnesses who will testify before you will present excellent statistical analyses of the sheep industry, portraying a conclusive picture of the plight of the Nation's sheepmen. However, there are a few figures which I should like to relate to you which, to me, indicate that the wool industry is in dire need of protection and at the end of my remarks I have a few charts which I ask to be inserted in the RECORD.

If one merely compares the quantity of wool imports as opposed to the quantity of wool exports, I believe a vivid picture is drawn of the wool situation. In 1947, the United States was exporting manufactured wool products in excess of 46 million pounds, while she was importing manufactured wool products of only a little less than 16 million pounds. In other words, our exports were three times our imports.

In 1962 the United States was exporting only 4,369,000 pounds of manufactured wool products, whereas she was importing 145,637,000 pounds of manufactured wool products. In other words, our position has completely reversed and instead of being an exporter we became a major importer of manufactured wool products to the extent that we were importing over 33 times as much as we were exporting. My figures for 1963 are for only part of the year. However, they show no change in this trend.

I realize that others representing the textile industry will make statements concerning the impact of manufactured wool imports on the domestic textile industry and I am sure that their case will be ably presented. But in order to round out the picture I have attempted to portray here, I believe a few figures from the textile industry are in order.

It is my understanding that basically all wool produced domestically is manufactured into salable goods by our domestic textile mills. In keeping with my comparison period of 1947 and 1962, the 1947 consumption of raw wool in the U.S. textile mills was 698,300,000 pounds of wool, whereas in 1962 only 427,400,000 pounds of wool was consumed in manufacturing. So, the volume of manufacture of our domestic textile industry has been reduced by more than a third since 1947. And, the number of persons employed by U.S. mills producing all types of textiles (wool, cotton, silk, manmade, etc.) has declined from 1,256,000 in 1950 to 881,000 in 1962. Is it any wonder that our national unemployment rate is so high when we have permitted the foreign textile producer to capture the American market while our domestic producers have been left unprotected by proper tariff barriers? The United States is exporting less than a tenth of what it exported in 1947, while in that same period it has allowed imports to increase nearly tenfold.

But perhaps the best way to demonstrate the impact of our tariff policies upon the sheep industry would be to go to the grassroots. The following table summarizes the expense and income situation of six typical mountain sheep ranches on the western slope of Colorado:

A. Average number of breeding ewes per ranch in 1962 was 841 head. Average costs per ewe to produce a lamb crop were:

Machinery and equipment repair	$0.65
Fuel and oil	.94
Utilities	.28
Labor	2.72
Auto	.26
Pickup and truck	.33
Building repairs	.10
Livestock expenses	1.01
Feed purchased	4.47
Value of home-raised feed fed	8.49
Miscellaneous expenses	.38
Taxes	.67
Interest	1.19
Insurance	.24
Machinery depreciation	.63
Building depreciation	.60
Average costs per ewe	23.86

B. Average return from sales of wool, sheep, and incentive payments per ewe in 1962 was $18.34. When the changes in inventory were taken into account and added to these sales the average net increase per ewe was $17.77. The average cost per ewe in 1962 on these ranches was $23.86.

This summary shows that these six typical ranchers were operating at approximately a $6-per-head loss in 1962. It is evident that no businessman can continue to sustain such a substantial loss and long endure, regardless of what promises are made to him.

During this same period (1947 to 1962) our population increased by nearly 29 percent, or approximately by 41,893,000. With this same population increase, it would be reasonable to assume that the sheep and lamb population would correspondingly increase to supply the increased demand for meat and wool. In 1947 the total U.S. sheep and lamb population was 37,498,000. Assuming an increase in demand based upon the increase of population, the U.S. sheep population should have increased to 48,372,000. But, instead of increasing it decreased by 6,052,000 to a total of 31,446,000 in 1962. So that there is a total disparity between the projected sheep population and the actual sheep population of nearly 17 million head.

Lest you conclude that 1947 was a year with a particularly high sheep population, let me state that the average sheep population in the United States for the 16 years prior to 1947, that is 1931 through 1946, was 51,684,000, which is some 3 million above the projected figure based upon the 1947 population and adjusted in consonance with the population increase during that same period. The obvious conclusion is that the sheep industry is being liquidated and that if steps are not taken to protect it, in the near future, there will be no sheep and wool industry in the United States.

Tariffs on raw wool as well as manufactured wool products must remain at their present level, at the very least. Tariffs should be increased, not decreased. It is, therefore, essential that wool and its manufactured products be removed from the negotiation lists.

CHART I.—*Raw wool content of U.S. imports for consumption of wool manufacturers, 1947–date*

	Pounds
1947	15,939,000
1948	42,263,000
1949	43,399,000
1950	63,804,000
1951	56,387,000
1952	87,994,000
1953	61,963,000
1954	61,052,000
1955	81,399,000
1956	91,081,000
1957	85,173,000
1958	90,196,000
1959	126,927,000
1960	132,132,000
1961	127,458,000
1962	145,637,000
1963, January–August	102,790,000

CHART II.—*Raw wool content of U.S. exports of domestic wool manufacturers, 1947–date*

	Pounds
1947	46,088,000
1948	20,651,000
1949	10,275,000
1950	7,535,000
1951	8,161,000
1952	6,067,000
1953	5,031,000
1954	5,618,000
1955	5,514,000
1956	5,666,000
1957	4,562,000
1958	4,577,000
1959	4,936,000
1960	4,695,000
1961	4,538,000
1962	4,369,000
1963, Jan.–Sept.	3,719,000

CHART III.—*Sheep and lamb; number on farms in the United States, 1947–62*

1947	37,498,000
1948	34,337,000
1949	30,943,000
1950	29,826,000
1951	30,633,000
1952	31,982,000
1953	31,900,000
1954	31,356,000
1955	31,582,000
1956	31,157,000
1957	30,654,000
1958	31,217,000
1959	32,606,000
1960	33,170,000
1961	32,967,000
1962 [1]	31,446,000

[1] Preliminary.

CONDITIONS IN THE VIRGIN ISLANDS

Mr. ALLOTT. Mr. President, heretofore I have spoken several times on the floor of the Senate with respect to conditions in the Virgin Islands. Because

of a death in my family, I was unable to speak against confirmation of the nomination of the present Governor; but since that time I have repeatedly expressed views in regard to the situation in the Virgin Islands.

As I have said before, the Virgin Islands are the political cesspool of all the U.S. possessions. Not long ago, I had printed in the RECORD certain articles from the Daily News of the Virgin Islands, which is published at Charlotte Amalie. In response, the Governor of the Virgin Islands wrote to various Members of Congress, and had his letter printed in the RECORD.

I have before me an editorial from the Daily News, in which the Governor's statement as to his financial interest in matters over which he has complete control is specifically answered. I believe the editorial expressly answers his statement.

Again I call to the attention of the Senate the fact that we cannot continue for long to ignore the situation which now exists in the Virgin Islands. My file is becoming filled with letters from people who are completely disillusioned with the present administration there—even people who previously supported the Governor. In order that the Governor's statement and the answers to it may appear in the RECORD, I ask unanimous consent that the article and the editorial—the latter is entitled "More Facts Revealed on Peter's Farm,"—as printed in the Virgin Islands Daily News of December 21, 1963, be printed in the RECORD.

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

[From the Daily News of the Virgin Islands, Dec. 21, 1963]

MORE FACTS REVEALED ON PETER'S FARM

Last month, the Daily News made certain assertions concerning the Government's recent sale of a tract of 60 acres and buildings in St. Croix, known as Peter's Farm. The question involved the 1955 leasing of the property to a firm of which Ralph M. Paiewonsky was an incorporator and director. Dependent upon certain improvements, the rental was set at $200 a month for a 30-year period.

In 1960, although the Government of the Virgin Islands attempted to break the lease because of nonfulfillment of lease obligations, the case was not brought to trial. Instead, under the present administration, the firm, of which the present Governor had been an incorporator, succeeded in obtaining the entire tract and buildings in 1963 for the sum of $20,000 down, balance of $80,000 spread over a 10-year period while the matter was still in court.

A concurrent agreement in 1962 stipulated that the development firm erect 30 housing units to be rented by the Government at rentals ranging from $90 to $150 per month for 10 years. Total rental fees over the 10-year period aggregate over $400,000.

The Daily News undertook some research on the matter and examined every document available involving the transaction from 1954 to 1963.

The Governor replied to questions posed by the Daily News. However, we are still convinced that the Government documents and records speak for themselves, and our purpose in revealing them is to insure our readers the privilege of judging the situation for themselves.

Governor's statement: 1. You deliberately stated that I still am financially interested in the West Indies Investment Co., which owns all the stock in the St. Croix Real Estate Development Co.

This is not true.

I have no interest whatever, direct or indirect, in that company. My stock in that company was among the holdings that I disposed of after becoming Governor. That stock was sold to an outside person with whom I have no financial connection.

It is correct and it is a matter of public record that I signed a deed as Governor in January 1963. That deed refers to an agreement I executed as Governor in September 1962. It was set forth upon the open court record that there was an agreement to settle the lawsuit by a sale of the property for $100,000.

What is not correct is your charge that I still had an interest in the company at the time of that settlement agreement.

Editor's reply: The Governor in his reply states that he is no longer financially interested in the St. Croix Real Estate Development Co., or in the West Indies Investment Co. There are no records in the files of the government secretary, whose office is a depository for corporation records, or in the attorney general's office, bearing this out.

On the other hand, we have examined a letter from Attorney James H. Isherwood, representing the St. Croix Development Co., suggesting that negotiations for a sale be expedited before Governor-elect Paiewonsky's inauguration, lest he be placed in the 'embarrassing position,' of having to make a decision on a company 'in which he is a stockholder.' The letter is dated February 23, 1961, and represents concern lest the new Governor be placed in an untenable position as a stockholder in the West Indies Investment Corp., parent firm of the St. Croix Real Estate Development Co.

Incidentally, it might be pointed out that the same Attorney Isherwood, who defended the St. Croix Real Estate Development Co. in the government's complaint against it in 1960 is a law partner of Attorney Warren Young, one of the original directors of the West Indies Investment Co. (St. Croix) later purchased by Sidney Lee.

Governor's statement: 2. You stated in your column that the Peter's Farm land, St. Croix, was sold by the Virgin Islands government at "a mere fraction of assessed value."

When the Virgin Islands government owned the land it was not subject to assessment, and, hence, there was no assessed value. The government made a sale to its lessee (West Indies Investment Co.) on the basis of current 1962 value, less a credit confined to a minimum basis for the improvement added by lessee. The 1962 value was determined by appraisers appointed by Commissioner Mario Lewis in accordance with standard government practices. Men selected by him were recognized appraisers, men who do appraisal work for the two leading banks in St. Croix, one of them a senior official of his bank.

Editor's reply: Actually, there were two appraisals of the Peter's Farm tract. The first appraisal was made by Mary Millar, John Colby and Danley Petersen in February 1962. There was no record kept of that appraisal in the files of the Attorney General's office. This group appraised the property at over $350,000.

A subsequent appraisal was made to which the Governor refers in his reply. The appraisers were Ira Ross, Alexander Moorhead, and John Moore, in March 1962. It can be pointed out that John Moore was a former director of the company which was seeking purchase of the Peter's Farm land, and also rent collector for the property. John Moore came to the island in the employ of and as a business associate of the Paiewonsky interests.

Carlos Downing, Commissioner of Property and Procurement, in 1960 in a letter to Gov. John Merwin, dated April 21, 1960, fixed the value of the land at a considerably higher figure at that time:

"Estimate of the fair market value of the Government's property based on the present value of real estate in the district is $350,000, viz: buildings and grounds $110,000 and land area of 60 acres at $4,000 per acre—$240,000."

And we point out that the Herman Hill tract in St. Croix adjoining Peter's Farm and consisting of 333 acres of unimproved land and no buildings was sold a few months after the Peter's Farm sale for $1,007,500 or over $3,025 per acre.

Governor's statement: 3. An article in your newspaper charged that the lease rental was set in 1955 at an improvidently low rate.

The company's rental proposal in 1955 was accepted by the Administrator for St. Croix upon the recommendation of the Municipal Committee of the St. Croix Municipal Council though the term was set at 30 years instead of the 50-year period requested.

One cannot judge a 1955 contract by the hindsight of 1962 knowledge. No one else was interested in this property in 1955. The Virgin Islands government had abandoned the site for hospital use. Every roof was leaking like a sieve. Taking into account the pitiful condition of rundown, termite-ridden, deserted and vandalized buildings, the 1955 rental was reasonable at that time.

Editor's reply: Irving Silverman, writing to David C. Canegata, Administrator of St. Croix, set the rental value of the property, at $200 per month. Chairman of the municipal committee at the time was Walter I. M. Hodge, a close friend and confidant of Ralph M. Paiewonsky who urged immediate, favorable action on the lease. Silverman requested a 50-year lease on the property.

The statement cannot be made that "no one else was interested in the property" in the absence of an advertisement for lease or sale.

There is evidence that others were interested in the property as stated in the later government attempt to breach the lease, "the said defendant the West Indies Co. entered into an agreement with one Freya Compain, dated November 10, 1958, agreeing thereby to assign to her a portion described as the buildings already constructed and known as Peter's Farm Hospital together with 10 acres of ground under and adjoining these buildings."

And in 1958 a certain M. M. Winthrop became interested in the property and paid West Indies Development Corp. in January 1959 a sum of $5,000 to secure an option on a lease of part of the property. Interested persons in St. Croix did not have an opportunity to know about it until the deal was consummated.

It is strange to say that the buildings were dilapidated and termite-ridden when a portion of them were occupied by the health department; another renovated for a dwelling by John Moore, still another for a dwelling for Sidney Lee. Dr. Ulric Karrel and an engineer, Tony Hauge, renovated sections of the property and lived there. Even Ralph M. Paiewonsky stayed there when he began his St. Croix distillery.

Governor's statement: You reiterate the charge that at the time of the January 1955 lease the lessee corporation was not even in existence.

This is a calculated effort on your part to insinuate wrongdoing to persons not familiar

with business affairs. Even a novice to the world of business knows that businessmen organize through de facto corporations to conduct matters during the period required for completion of legal formalities.

If you had taken a few minutes to examine the open file you would have discovered that Attorney Isherwood filed with the court the documents showing that in December 1954 the corporation's president sent the St. Croix Administrator proposed articles of incorporation and the customary fee and the short delay of 1 or 2 months was solely to make the revisions in the charter suggested by U.S. Attorney Leon Miller. The St. Croix Real Estate Co. was plainly in existence in January 1955, as a de facto corporation, a well-known form of legal entity.

Editor's reply: Apparently the government of the Virgin Islands does not know what "a novice knows in the world of business," because the suit to breach the lease in 1960 was based in part upon that point. Apparently, therefore, the government also employed a "calculated effort to insinuate wrongdoing" in the suit.

We merely call attention to these facts and dates. The articles of incorporation for the St. Croix Real Estate Development Co. were submitted on February 21, 1955, acknowledged on February 26, 1955, and approved on April 18, 1955.

The lease for the Peter's Farm land was executed on January 6, 1955. There is no insinuation here. Just a matter of facts. In the code for the municipality of St. Croix, which was effective until September 1957, we find in chapter 26, section 3, page 68, that "when the articles of incorporation have been filed and reported the persons who have duly executed the same, and their successors, shall be a body politic in fact and in law in the name stated on the articles of incorporation, and by such corporate name shall have power." Under that code a corporation was not in existence until the filed articles were recorded.

In the case of the Peter's Farm lease negotiators acted about 46 days before the articles were signed, and about 102 days before they were approved.

The Governor is evidently searching for a defense under the new code, not the old code under which the corporation was formed.

Governor's statement: 5. You state that in 1960 the government brought suit to recover the property on the ground that the lessee had breached the lease. Mr. Russell Johnson, former attorney general, officially advised my administration that in his opinion the government was on weak legal ground. This was also the view of former Associate Solicitor Edwards of the Department of the Interior, of Comptroller Peter Bove, as well as Attorney General Corneiro.

Editor's reply: As to whether the government was on "weak legal grounds" or not will never be known since the case involving the breach of the Peter's Farm lease was never allowed to come to trial.

Attorney General Russell Johnson recommended on September 13, 1960, "The government of the Virgin Islands should commence a declaratory judgment action for the construction of the lease agreement as to the essential element of time of commencement and completion of the various undertakings. The worst that can result from such litigation is that the court will refuse to read into the contract something that is not there precisely, and at that point both parties are where they began."

The above memorandum to Gov. John Merwin was answered on September 13, by the then Governor who stated in part, "It is noted that you feel we ought to go to court and seek a declaratory judgment on the question of whether or not the lessee has fulfilled his undertakings under the terms and conditions of subject lease. It is also noted from your opinion that the lessee was expected to have started making improvements within 6 months but to have completed some within a reasonable time. The determination of what would constitute a reasonable time would then be the main question before the court in any action such as you have recommended.

"In reviewing this matter, I am of the opinion that we ought to take a more direct approach. I feel that we ought to settle once and for all whether or not we have a valid lease, the terms and conditions of which are specific enough to enable the parties there to know exactly what is expected of them. Secondly, I think we should determine whether or not there has been a breach on the part of the lessee or any of its covenants or undertakings. Accordingly, I feel that the best move for us to make at this time would be to file an action for cancellation of the lease and let the chips fall where they may.

"Unless you take any serious objection to the above proposal, it is requested that you immediately take steps to initiate an action for cancellation of the lease in question on the basis of the foregoing arguments or any other factors which you feel may be relevant.

"It is my feeling that the overall best interests of the government of the Virgin Islands would definitely be served if we could break the lease and start with a new program for the use of the subject property."

Governor's statement: 6. It is a pity that you have mounted a campaign of villification; of unfounded innuendo; of airing baseless charges; of printing deliberate assertions that are false.

It is a pity, because you have energy and talent that could be of service to the community if you harnessed them to constructive use. I do not suppose anyone really enjoys criticism, but I welcome criticism that is responsible and constructive for I know that in the long run this will help guard me from error and alert me to conditions that need watching.

Editor's reply: We have been publishing the Daily News for over 33 years. Let our readers judge whether or not we have "mounted a campaign of villification; of unfounded innuendo; of airing baseless charges; of printing deliberate assertions that are false."

The evidence we are publishing is derived from documents taken from official records of the government of the Virgin Islands. These are not false.

Governor's statement: 7. What is more the pity is that you seem unable to appreciate that it is the Virgin Islands, as a whole, and not the government officials assailed, which is damaged by the false image created on the mainland by your hostility and distortions.

Editor's reply: We yield to no one in hopes, dreams, ambitions for the Virgin Islands. If a "false image is being created on the mainland," we are quite sure that the Daily News is not creating it. We suggest that the "false image" is being created by government officials who, because of greed and avarice, have proved untrue to their high calling and untrustworthy in positions of trust.

OBSERVATION

In the mass of recorded material on the Peter's Farm deal between its inception in 1954 and the present, there are several documents and letters which are not readily available, and there are several which were not touched upon in the Governor's reply.

In regard to the lessee's option to purchase the Peter's Farm property, a letter from A. M. Edwards, associate solicitor of Territories, Wildlife, and Parks, Department of the Interior, Gov. Walter Gordon on August 1, 1957, states, "It is our opinion that the option provision contained in the lease is not legally enforcible in that specific performance could not be ordered for want of certainty." He concludes, quoting from a similar case, "These terms are so indefinite as to have no legal significance; they amount to nothing more than an agreement to make a future agreement; an agreement to agree is not enforcible."

"With regard to the option to purchase. * * * It is our opinion that you may refuse the request to purchase the property if you so desire, and in the event the lessee should protest, as it well might, you should advise it that the provision is probably unenforcible."

There is a letter, not on file, which is referred to in a lengthy review of the case by U.S. Government Comptroller, Peter Bove. The review is dated May 31, 1960. Mr. Bove states that "on May 2, 1957, Mr. Ralph Paiewonsky, on stationery of the West Indies Investment Co., wrote a letter to the Governor informing him that the corporation wanted to exercise the option to purchase the property." This is not in the file.

In the same report of Mr. Bove, "On December 20, 1957, the Governor wrote a letter to Mr. Paiewonsky informing him that he was advised that the option is so general in effect that it is unenforcible and that it appears that they would not be able to agree upon terms. However, he informed him that if the corporation desired to submit an offer, consideration would be given to it."

There is a memorandum dated July 31, 1961, from Governor Paiewonsky to Government Secretary Cyril E. King, stating, "This is with reference to my request to you that you supervise this matter. I assume that the interests of the government can be fully protected by the appropriate officers of the government, under the supervision of the Government Secretary, without any need for recourse to the level of the Governor."

Yet on April 19, 1962, we find Governor Paiewonsky himself making decisions which he had delegated to the Government Secretary. In a memorandum to Mario Lewis, Commissioner of Property and Procurement, he writes, "With reference to your memorandum to me of April 16, 1962, I concur in your opinion that a fair selling price, considering all the circumstances, is $100,000, and I hereby request that you proceed on this basis."

Indeed, Mr. Paiewonsky had made the same recommendation when he was acting as a representative of the West Indies Investment Co. in 1957.

In still another document on file, we note the concern of Attorney Isherwood in a note to Attorney General Corneiro dated May 22, 1962, "The June term of court is rapidly approaching, and I know it will be necessary to try this case whether we wish to or not, because of the judge's attitude. If there is to be any possibility of settlement, we must act rapidly, for I do not feel in fairness to my client I can again ask for a postponement or, if I do ask for one, that it will be granted."

Although Commissioner of Property and Procurement, Mario Lewis, evidently approved of the sale of the property at the price of $100,000, he was somewhat concerned about the terms of the sale. "The terms for the payment of the $100,000 sales price, as suggested by Mr. Sydney Lee, I do not feel are adequate. I would recommend that minimum of 50 percent of the sales price be paid to the government at the time that the deed is executed and that the balance be liquidated in five equal annual

payments at 4 percent interest." The memorandum was addressed to Attorney General Corneiro on June 18, 1962. In spite of the commissioner's recommendation terms agreed on were $20,000 down, $80,000 in equal payments over a 10-year period.

[From the Daily News of the Virgin Islands, Dec. 21, 1963]

LET THE PEOPLE JUDGE

During the last 2 months our readers have had an opportunity to discover a great deal about the Peter's Farm negotiations in St. Croix from 1954 to the present day, as outlined and analyzed in the pages of the Daily News.

We contend that the original lease of these buildings and 60 acres of the adjoining lands was faulty, and that in spite of this fact, the St. Croix Development Co. and its parent firm, the West Indies Investment Co., was able to purchase the valuable property for less than a third of its worth, according to current real estate rates in the Virgin Islands. We contend further that Ralph M. Paiewonsky, one of the original incorporators of the development firm and one of the original stockholders of the investment corporation, was able to exercise his authority as Governor of the Virgin Islands to negotiate a sale of the property to the original lessees on terms which were eminently favorable to the corporations involved and unfavorable to the people of the Virgin Islands.

We pointed out also how an agreement between the insular government and the firms during the present administration has enabled present deed holders of the property to build and rent dwelling units back to the government over a 10-year period for a sizable sum.

The facts we have disclosed about the negotiations have been taken directly from government files.

We are certain that the matter should not be brushed aside as irrelevant but perused more closely. The citizens of the islands should have assurance that the welfare of the community is placed above the personal gain of friends and associates of the present Governor.

We have no intention of delving further into this matter. We believe that it has been sufficiently aired and that the aroma is far from pleasing.

We submit the facts we have gleaned to the scrutiny of public opinion.

Mr. ALLOTT. Mr. President, I yield the floor.

Mr. HART. 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. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED TAX REDUCTION

Mr. GORE. Mr. President, immediate and drastic tax reduction has been so widely propagandized that those of us who want to take a serious look at the need for, and consequences of, a gigantic revenue loss have difficulty in directing attention to any aspect of this many-faceted program and the related problems of economic growth, unemployment, and poverty.

Many problems are involved in this entire exercise, but few have been discussed with clarity or depth.

The only question being debated at all is whether a delay in enactment of this bill, H.R. 8363, even for a few weeks, will imperil the Nation. This question is a bit ridiculous, but that is the situation.

This bill will be reported by the Finance Committee to the Senate within the next few weeks, and at that time I expect to participate in a really meaningful discussion in some depth—I do not mean to imply that a filibuster will be engaged in—of the many problems involved.

Today, I invite the attention of Senators to one aspect of this bill, that is, the huge increase in after tax income—take-home pay to use a more familiar phrase—which this inequitable measure gives to the rich and to the very rich.

I ask unanimous consent to have printed in the RECORD a table prepared by the staff of the Joint Committee on Internal Revenue Taxation, and found on pages 354 and 355 of the hearings of the Senate Finance Committee.

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

TABLE 1.—*Individual income tax liability: Under present law tax rates, under H.R. 8363 tax rates, and under uniform percentage increase in taxable income after present law tax; selected levels of taxable income, 1965, single person*

Taxable income	Tax		Taxable income after tax		Reduction in tax or increase in taxable income after tax				
					Under H.R. 8363			Under uniform percentage increase in taxable income after tax (5.95 percent)	
	Present law	H.R. 8363	Present law	H.R. 8363	Amount	As percent of present law tax	As percent of taxable income after present law tax	Amount	As percent of present law tax
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
$500	$100	$70	$400	$430	$30	30.0	7.5	$24	24.0
$1,000	200	145	800	855	55	27.5	6.9	48	24.0
$1,500	300	225	1,200	1,275	75	25.0	6.3	71	23.7
$2,000	400	310	1,600	1,690	90	22.5	5.6	95	23.8
$4,000	840	690	3,160	3,310	150	17.9	4.7	188	22.4
$6,000	1,360	1,130	4,640	4,870	230	16.9	5.0	276	20.3
$8,000	1,960	1,630	6,040	6,370	330	16.8	5.5	359	18.3
$10,000	2,640	2,190	7,360	7,810	450	17.0	6.1	438	16.6
$12,000	3,400	2,830	8,600	9,170	570	16.8	6.6	512	15.1
$14,000	4,260	3,550	9,740	10,450	710	16.7	7.3	580	13.6
$16,000	5,200	4,330	10,800	11,670	870	16.7	8.1	643	12.4
$18,000	6,200	5,170	11,800	12,830	1,030	16.6	8.7	702	11.3
$20,000	7,260	6,070	12,740	13,930	1,190	16.4	9.3	758	10.4
$22,000	8,380	7,030	13,620	14,970	1,350	16.1	9.9	810	9.7
$26,000	10,740	9,030	15,260	16,970	1,710	15.9	11.2	908	8.5
$32,000	14,460	12,210	17,540	19,790	2,250	15.6	12.8	1,044	7.2
$38,000	18,360	15,510	19,640	22,490	2,850	15.5	14.5	1,169	6.4
$44,000	22,500	18,990	21,500	25,010	3,510	15.6	16.3	1,279	5.7
$50,000	26,820	22,590	23,180	27,410	4,230	15.8	18.2	1,379	5.1
$60,000	34,320	28,790	25,680	31,210	5,530	16.1	21.5	1,528	4.5
$70,000	42,120	35,190	27,880	34,810	6,930	16.5	24.9	1,659	3.9
$80,000	50,220	41,790	29,780	38,210	8,430	16.8	28.3	1,772	3.5
$90,000	58,620	48,590	31,380	41,410	10,030	17.1	32.0	1,867	3.2
$100,000	67,320	55,490	32,680	44,510	11,830	17.6	36.2	1,944	2.9
$150,000	111,820	90,490	38,180	59,510	21,330	19.1	55.9	2,272	2.0
$200,000	156,820	125,490	43,180	74,510	31,330	20.0	72.6	2,569	1.6
$300,000	247,820	195,490	52,180	104,510	52,330	21.1	100.3	3,105	1.3
$400,000	338,820	265,490	61,180	134,510	73,330	21.6	119.9	3,640	1.1
$600,000	520,820	405,490	79,180	194,510	115,330	22.1	145.7	4,711	.9
$800,000	696,000	545,490	104,000	254,510	150,510	21.6	144.7	6,188	.9
$1,000,000	870,000	685,490	130,000	314,510	184,510	21.2	141.9	7,735	.9

Source: Staff of the Joint Committee on Internal Revenue Taxation, Oct. 4, 1963.

TABLE 2.—*Individual income tax liability under present law tax rates, under H.R. 8363 tax rates, and under uniform percentage increase in taxable income after present law tax; selected levels of taxable income, 1965, married couple—joint return*

Taxable income	Tax		Taxable income after tax		Reduction in tax or increase in taxable income after tax				
					Under H.R. 8363			Under uniform percentage increase in taxable income after tax (5.95 percent)	
	Present law	H.R. 8363	Present law	H.R. 8363	Amount	As percent of present law tax	As percent of taxable income after present law tax	Amount	As percent of present law tax
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
$1,000	$200	$140	$800	$860	$60	30.0	7.5	$48	24.0
$2,000	400	290	1,600	1,710	110	27.5	6.9	95	23.8
$3,000	600	450	2,400	2,550	150	25.0	6.3	143	23.8
$4,000	800	620	3,200	3,380	180	22.5	5.6	190	23.8
$8,000	1,680	1,380	6,320	6,620	300	17.9	4.7	376	22.4
$12,000	2,720	2,260	9,280	9,740	460	16.9	5.0	552	20.3
$16,000	3,920	3,260	12,080	12,740	660	16.8	5.5	719	18.3
$20,000	5,280	4,380	14,720	15,620	900	17.0	6.1	876	16.6
$24,000	6,800	5,660	17,200	18,340	1,140	16.8	6.6	1,023	15.0
$28,000	8,520	7,100	19,480	20,900	1,420	16.7	7.3	1,159	13.6
$32,000	10,400	8,660	21,600	23,340	1,740	16.7	8.1	1,285	12.4
$36,000	12,400	10,340	23,600	25,660	2,060	16.6	8.7	1,404	11.3
$40,000	14,520	12,140	25,480	27,860	2,380	16.4	9.3	1,516	10.4
$44,000	16,760	14,060	27,240	29,940	2,700	16.1	9.9	1,621	9.7
$52,000	21,480	18,060	30,520	33,940	3,420	15.9	11.2	1,816	8.5
$64,000	28,920	24,420	35,080	39,580	4,500	15.6	12.8	2,087	7.2
$76,000	36,720	31,020	39,280	44,980	5,700	15.5	14.5	2,337	6.4
$88,000	45,000	37,980	43,000	50,020	7,020	15.6	16.3	2,559	5.7
$100,000	53,640	45,180	46,360	54,820	8,460	15.8	18.2	2,758	5.1
$120,000	68,640	57,580	51,360	62,420	11,000	16.1	21.5	3,056	4.5
$140,000	84,240	70,380	55,760	69,620	13,860	16.5	24.9	3,318	3.9
$160,000	100,440	83,580	59,560	76,420	16,860	16.8	28.3	3,544	3.5
$180,000	117,240	97,180	62,760	82,820	20,060	17.1	32.0	3,734	3.2
$200,000	134,640	110,980	65,360	89,020	23,660	17.6	36.2	3,889	2.9
$300,000	223,640	180,980	76,360	119,020	42,660	19.1	55.9	4,543	2.0
$400,000	313,640	250,980	86,360	149,020	62,660	20.0	72.6	5,138	1.6
$600,000	495,640	390,980	104,360	209,020	104,660	21.1	100.3	6,209	1.3
$800,000	677,640	530,980	122,360	269,020	146,660	21.6	119.9	7,280	1.1
$1,000,000	859,640	670,980	140,360	329,020	188,660	21.9	134.4	8,351	1.0

Source: Staff of the Joint Committee on Internal Revenue Taxation, Oct. 4, 1963.

Mr. GORE. Mr. President, the table shows some very disturbing results. Whereas a married couple filing a joint return, having a taxable income subject to ordinary income rates of $3,000 per year, will gain $150 from the rate reductions in the bill, the more affluent couple with a taxable income of $300,000 will pick up an extra $42,660. As a percentage of taxable income, this would mean an extra 6.3 percent to this $3,000 couple, but an extra 55.9 percent to the $300,000 couple. For the really rich, the gain would be more than 100 percent in take-home pay after tax income.

It has been pointed out, and I want this clearly understood, that the table does not reflect the full picture insofar as the rich and very rich are concerned. The typical high income taxpayer is able to take advantage of many loopholes in the law. As I showed yesterday, the affluent do not pay taxes in accordance with the regular, ordinary income tax rates. But the table which I have just placed in the RECORD does show the true picture with respect to whatever taxable income any taxpayer has to which the published ordinary income rates apply.

Let me emphasize that any statistics must be used with caution, and these are no exception. For those in the higher income groups, capital gains are not considered, since such income will generally be subject to the 25 percent maximum rate under existing law—of course, even this bonanza is sweeter under the tax bill. The provisions of the bill would now cut that maximum to 21 percent.

Let me say again, however, that the table which I have placed in the RECORD today applies only to that portion of taxable income to which ordinary income rates apply. This is how the majority of Americans pay most of their taxes. This is not true, as I have said, of the typical taxpayer with a very large income. But the gain which would be realized under the tax bill by those in the upper income groups would be tremendous. In my view, Mr. President, it would be grossly unfair.

A far more equitable way of reducing taxes, if we can afford a large reduction in governmental revenue, would be to raise the personal exemption for each taxpayer and each dependent. This would give everyone a more nearly equal and equitable amount of tax benefit.

Referring again to the table, it shows that a taxpayer with a small income would receive a very small percentage increase in take-home pay. It would be a percentage increase of a small amount. But those who have large taxable incomes would receive a large percentage increase in take-home pay. It would be a large percentage of a large amount.

Instead of the pending bill making our tax system more progressive, more equitable, more stimulative primarily of the consumer element of our economy, it would do just the reverse. Its enactment would bring a more regressive tax law, a more unfair tax law, a more unjust tax law, and would allow those with really large incomes, who now do not pay their fair share according to the table which I placed in the RECORD yesterday, to pay less.

Consideration of the tax bill, soon to be before the Senate, will be the first battle waged by the Senate in the war on poverty. If the bill should pass in its present form, the first battle in the war on poverty would be lost on the floor of the Senate because the bill, instead of marching toward victory in that war would march in the opposite direction from fairness and equity.

Mr. CLARK and Mr. DOMINICK addressed the Chair.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The Senator from Pennsylvania is recognized.

THE NEED FOR CONGRESSIONAL REORGANIZATION

Mr. CLARK. Mr. President, I turn briefly to my usual subject, the need for congressional reorganization, and I invite the attention of Senators to an interesting column written under the byline of Inez Robb, and published in the Pittsburgh, Pa., Press on January 6, 1964, entitled "Congress Ripped."

I ask unanimous consent to have this column printed in the RECORD.

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

[From the Pittsburgh Press, January 6, 1964]

CONGRESS RIPPED

(By Inez Robb)

NEW YORK.—It has been some time since I have seen a copy of Hobo News, Variety, my sorority's house organ, or the Phi Beta Kappa Quarterly. But it is dollars to doughnuts that within recent issues all four have, in

one way or another, put the blast on Congress.

If not, they are the only publications in the United States that have failed to throw a roundhouse punch at Congress within the past 4 or 5 weeks. Never before have so many tossed so much at so few. And now, as the 88th Congress begins its second session, never have so few been so disdainful of so much criticism from so many constituents.

Like Ol' Man River, Congress jus' goes rollin' along, impervious to demands for action, speed, modernization, and reform. It is as delighted with its own image as was Narcissus, who pined and died of self-love.

Strong hints that this could be the fate of Congress pop up in magazines and newspapers of every shade of Democratic and independent Republican opinion.

The Saturday Evening Post recently cried: "The Congress of the United States is in deep trouble. More than ever before, the public attitude toward Congress is a mixture of indifference, amusement, and contempt. * * * When the citizens of a democracy begin to hold their legislature in contempt, democracy is itself in danger."

The New York Times was equally emphatic when it editorialized:

"Unless it responds more vigorously to the country's needs in a 1964 session shortened by the exigencies of a presidential campaign, this Congress will be remembered chiefly for the damage it did to public confidence in the legislative process."

Just to prove that even some Congressmen are aware of Congress' current sad sack public image Representative JOHN V. LINDSAY, New York Republican, in his holiday letter ("not printed at Government expense") to his constituents says:

"The road ahead (for civil rights legislation) is still long, arduous, and full of roadblocks, not the least of which is a certain Senate filibuster early in 1964. The possibility that the House will not complete floor action this year (1963) because of the delay in the Rules Committee is another indication of the needlessly slow pace of Congress and the inadequacies of the congressional power structure."

Mr. LINDSAY is a young man worth listening to. He is a mover and shaker in Congress and in his own party. By 1972 he is as certain to be a prime GOP candidate for the Presidency as Harold Stassen. Only Mr. LINDSAY is apt to be the man who gets it.

But Congress listens to no one, not even its own eminent Members who have been urging congressional self-reform for years. Senator JOSEPH S. CLARK, Philadelphia Democrat, and Senator CLIFFORD P. CASE, New Jersey Republican, have been valiantly trying to get the legislation to brace up, modernize its procedures, and reform.

But if the Messrs. CLARK and CASE were King Canute and Congress were the sea, the new broom the two Senators propose to wield could not be more futile. Only Congress can remold itself, and its urge to self-reform is approximately that of a self-confident chorus girl who has just received her fifth diamond necklace with mink coat to match.

Mr. CLARK. Mr. President, the column points out the growing disillusionment of the people of this country with the performance of Congress, and the crying need for drastic reorganization. It quotes a statement from the Saturday Evening Post to the effect that—

The Congress of the United States is in deep trouble. More than ever before, the public attitude toward Congress is a mixture of indifference, amusement, and contempt. * * * When the citizens of a democracy begin to hold their legislature in contempt, democracy is itself in danger.

I concur, as Senators know, in these views of the Saturday Evening Post and those of Miss Robb. I believe that an increasing number of Members of Congress, both in the Senate and in the House of Representatives, are beginning to share them also.

I hope that in due course—indeed, in the foreseeable future—the indignation of the country at the performance of the Congress will force us to wake up and put our house in order.

SENATOR CASE'S REMARKS TO MASTER PRINTERS ASSOCIATION

I ask unanimous consent that a partial text of the remarks of the Senator from New Jersey [Mr. CASE] prepared for delivery on receiving the 6th Annual Citizenship Award of the Master Printers Association, be printed in full at this point in my remarks.

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

PARTIAL TEXT OF REMARKS BY SENATOR CLIFFORD P. CASE, REPUBLICAN, OF NEW JERSEY, PREPARED FOR DELIVERY ON RECEIVING THE SIXTH ANNUAL CITIZENSHIP AWARD OF THE MASTER PRINTERS ASSOCIATION AT A DINNER AT THE ROBERT TREAT HOTEL, NEWARK, N.J., ON MONDAY, JANUARY 13, 1964

You do me much honor in giving me this award. Recognition by such a distinguished group as yours is a signal honor itself. Any American would be happy to have his name coupled with the name of Benjamin Franklin in almost any connection.

As your organization rightly reminds us, Benjamin Franklin is a Founding Father of the American printing industry. He comes immediately to the minds of all of us as one of the Founding Fathers of our Nation. He played a key role in drafting the Constitution of the United States of America and signed his name to it as one of the Pennsylvania Delegates at that famous Convention in Philadelphia in 1787.

The Constitution devotes the very first article of the delineation of the powers of the U.S. Congress, placing it before the outline of the powers of the President and of the Judiciary. Clearly, the Founding Fathers meant Congress to be a fullfledged partner in our tripartite Government.

But it has grown increasingly clear that Congress is losing the confidence of a substantial part of the electorate. A poll which was announced after the 1st session of the 88th Congress finally concluded a few weeks ago showed that the public, by a vote of nearly 2 to 1, took a negative view of the 88th Congress. It revealed a general opinion that Congress had dragged its feet at a time when action was required.

The public had sound grounds for this conclusion. For example, at the end of the last session, there had been no consideration whatsoever—not a hearing nor a vote of any kind—on fully 25 percent of all the proposals made by the administration. And I should like to emphasize that I mean there was no active consideration of these proposals by a subcommittee, committee or, much less, the full House or Senate. This is not to argue that all or any administration proposals should be enacted into law. It is to argue emphatically that there should be a vote up or down on these issues. One man, as chairman of a committee or subcommittee, should not have the power to bottle up a bill entirely.

For our Government to be fully effective, Congress must stand up to the issues and take its position publicly.

There are those who believe that the less Congress does, the better for the Nation. This is an arrogant view. It assumes that a handful of people, largely elected from one party and the less populous States, is entitled to substitute its judgment for that of all the representatives of the Nation. It may be that a vote of the full Congress on a given issue would support the judgment of the subcommittee or committee chairman, but the important thing, I emphasize, is that it would have been put to a test of voting and that the representatives of the people as a whole would have had a chance to make their views known and recorded.

A recent issue of a national publication listed 14 legislative programs which "Congress balked at." I should like to take a minute or two to discuss several items on this list, for I do believe that the view that Congress balked at this legislation is not proven out by the facts. If the headline had said "Congress failed to vote" on these issues, it would have been accurate. It is my goal in pressing for congressional reform to make sure that Congress as a whole is given an opportunity to vote on these and all important issues.

The first item on the magazine's list was the tax cut. This was passed by the House of Representatives and is now pending in the Senate Finance Committee. I was among those who proposed a tax cut fully 18 months ago, and the administration's own measure has been pending in the Congress for almost a full year. Surely, we in the Senate should be given an opportunity swiftly to amend it if necessary, to vote it up or vote it down, but to vote.

The second of the items on the list is a new civil rights law, a most essential and overdue piece of legislation. It has been held up in the House Judiciary Committee, in the Senate Judiciary Committee, and now is pending in the House Rules Committee. The issue is an old one which has become more and more intensified by the delay in acting on legislative remedies. Surely, we in Congress are entitled to a vote on such legislation, and it should have taken place many months ago.

There are several other items on the list which are tied up in committee and have yet to reach the House or Senate floor in the 88th Congress for a vote, indeed they haven't yet been voted on in committee.

In this category is Federal aid for public grade schools and high schools, hospital insurance for those over 65 under social security, an overhaul of the unemployment insurance system, creation of a new Department of Urban Affairs and Housing in the Cabinet, truth in packaging, truth in lending, and a new academy to effectively train Foreign Service officers.

Perhaps Congress will "balk" at such legislation, but how can anyone say this with confidence unless the measures come to a vote? The effective functioning of the Congress requires that such important issues be put to the test of a vote. The judgment of a committee or subcommittee chairman is no substitute for a "yea" or "nay" vote.

An instrument for achieving reform is at hand in the form of a resolution developed by Senator JOSEPH CLARK of Pennsylvania and myself for appointment of a Joint Committee on the Organization of Congress "to make a full and complete study of the organization and operation of the Congress of the United States." The committee "shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying and expediting its operations, improving its relationships with other branches of the U.S. Government, and enabling it better to meet its responsibilities under the Constitution."

This resolution was reported almost unanimously by the Senate Rules Committee last September. An abortive attempt was made by Senate Majority Leader MIKE MANSFIELD to call it up for a vote in the Senate in

the closing days of the past session, but an objection by Senator RICHARD RUSSELL of Georgia effectively blocked consideration.

Growing public impatience with the inadequacies of the 1st session of the 88th Congress will, I believe, force action on our resolution. If we are given a chance in 1964 to vote on congressional reform, I am confident that we will be able to make Congress an effective third branch of Government.

Mr. CLARK. That fine speech by our friend deals with the need for congressional reorganization and suggests ways and means of accomplishing it. I commend the address to all Senators and other readers of the RECORD.

GERMANENESS OF DEBATE UNDER CERTAIN CONDITIONS

The Senate resumed the consideration of the resolution (S. Res. 89) providing for germaneness of debate under certain conditions.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the so-called Clark-Scott substitute for the resolution, as amended.

Mr. CLARK. I thank the Senator for his candid response to my inquiry. I do not know why it is "so-called." It is actually the Clark-Scott amendment.

Mr. President, I should like to speak very briefly on the pending question.

I suppose that under the rules of the Senate I could call for the question on the Clark-Scott amendment. On similar occasions in the past I have been somewhat tempted to do so. I believe I know what would happen under the procedures of this body.

Either my good friend the junior Senator from Colorado [Mr. DOMINICK], who is valiantly defending the Republican ramparts across the aisle, or perhaps, in desperation, the present occupant of the Chair [Mr. BREWSTER], would immediately suggest the absence of a quorum In due course a few Senators would arrive.

Unless I insisted on a live quorum, there would then be dilatory tactics which would successfully prevent the question from being put on the pending business of the Senate. If I insisted on a live quorum, I would indeed be in the senatorial "doghouse" because it would probably require several hours to summon a live quorum, in view of the fact that word has gone out that no business will be transacted today. Such action would only result in further erosion of my own position, and would not advance the cause of the pending business—the amendment to which I am deeply committed. Therefore I shall not take those steps.

I am a great believer in appropriate senatorial courtesy. I know that the Senator in charge of the bill, the Senator from Rhode Island [Mr. PASTORE], is ill. Accordingly, I am only too glad to consent to the delay which the leadership has suggested, hoping that the popular senior Senator from Rhode Island will soon recover his health and that the Senate can proceed with the pending business.

However, I believe that I should sound a note of warning. There is no legitimate excuse for not permitting the Clark-Scott amendment to come to a prompt vote on its merits. I hope that when the Senator from Rhode Island [Mr. PASTORE] returns and the Senate can take up the resolution again, there will not be a filibuster, as was the case shortly before the recess on Senate Concurrent Resolution 1—a two-word filibuster, the words being "I object"—a filibuster which nonetheless prevented that quite innocuous resolution and an amendment to it proposed by the Senator from New Jersey [Mr. CASE] and myself from coming to a vote.

If we in the Congress are to do our part in solving the serious legislative proposals which confront our country between now and the adjournment of the 88th Congress, we shall have to change our ways and be prepared to act on congressional business. If the opponents of the Clark-Scott substitute amendment think they have the votes to defeat it, why do they not let it come to a vote promptly? The arguments in favor of the measure were made 3 or 4 days ago. No arguments have yet been made against it. If the opponents do not believe they have the votes, why do they not move to table the measure? They would then have the assurance that if they were mistaken, and could not defeat it on its merits, they could stage a full dress filibuster against one of the simplest and yet one of the most useful of the proposed amendments to the rules of the Senate.

I make that plea to an empty Chamber in the hope that it will be read by at least some Senators before the Senate meets again.

I again express my earnest hope that the Senate will be prepared to face at least one or two of the relatively mild and completely feasible changes in Senate rules and procedures which, when taken together, might well substantially expedite our responsibility to conduct the Nation's business.

I yield the floor.

TAX CREDIT FOR THE COST OF HIGHER EDUCATION

Mr. DOMINICK. Mr. President, last night I had the opportunity and privilege of sharing the platform with the distinguished Senator from Connecticut [Mr. RIBICOFF]. We were addressing 550 college presidents and trustees of colleges in connection with the sponsorship of amendment No. 329, which is the amendment submitted by the Senator from Connecticut [Mr. RIBICOFF] and cosponsored by myself and some 12 other Senators, providing for a tax credit for the cost of tuition, books, and educational fees for higher education. That particular amendment will be pressed before the Finance Committee which is now considering the tax bill. We have relative assurance that if the measure does not succeed in the Committee on Finance, it will be offered on the floor of the Senate as an amendment to the bill as it comes from the committee.

The theory of a tax credit for financing the costs of higher education is not new. I introduced a bill to that effect while I was in the State legislature, for State purposes. I introduced a similar measure when I was in the House. I have introduced a bill on that subject since coming to the Senate.

A number of other Senators have been equally diligent in promoting that concept of a method of trying to ease the cost of providing higher education for our children. At the present time a family—even a relatively high middle income family—with four or five children to educate, has an almost impossible task to provide the necessary funds so that more than one child can go to college. During my career I do not know how many families I have seen who have told me how hard the other children, as well as the mother and father, were working in order to provide enough money so that at least one child in the family could have the benefit of higher education.

The particular bill to which I have referred is obviously not a complete solution to the problem, but it would be of help, because it provides that pre-tax earnings may be used for educational purposes, both for higher education at the college level, and for graduate schools. It would completely avoid the religious problems that exist in connection with many of the education bills.

It completely avoids the integration problem which exists in connection with many of the bills. It merely provides that a family that wants to send its children to college or graduate schools, or any young man or woman who wishes to go to college, may have the privilege of using earnings prior to taxation for the purpose of paying the cost of such education.

The Senator from Connecticut [Mr. RIBICOFF] made a very fine presentation to this group last night. I had the privilege of listening to it and following him in support of his presentation. The Senator had a written speech which was delivered, explaining in detail this particular amendment, and how many other provisions of the bill have been compromised to take care of some of the objections that have been made, to the effect that the bill is not sufficient to help those with low incomes.

The amendment that has been suggested provides for a credit of 75 percent of the first $300 of educational cost. So the maximum impact would apply to those who pay tuition at the public school level, rather than at the independent school level, which is usually far higher.

This is one of the ways in which we have avoided the objections which have been made on other occasions.

When I introduced the bill during the 1963 session, I inquired from the Treasury how much it anticipated the cost would be. In my bill, I provided for a maximum of $600 tax credit limitation. I received a reply indicating it would cost approximately $400 million a year,

if the maximum limitation of $600 were included. The maximum limitation under this amendment is about half the maximum limitation in my bill. So we would be talking in terms of revenue of no more than $200 million, and probably less.

Yesterday this body, without appreciable debate, provided for a contingent liability of the United States for subscription to additional cost of the Inter-American Development Bank in excess of $411 million, or twice what this bill would cost. It was done without lengthy debate. It was done without any great concern. We were trying to provide a mechanism by which other countries might be helped. This proposal is a mechanism by which our people can be helped to provide for their own education, without need for a new agency or department.

In order to explain fully, so it may be before each Member of the Senate, I ask unanimous consent to place at this point in the RECORD the very distinguished address which the Senator from Connecticut [Mr. RIBICOFF] delivered last night to the fine group of educators. I participated in the discussion with him.

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

ADDRESS BY SENATOR ABRAHAM RIBICOFF BEFORE THE CITIZENS NATIONAL COMMITTEE FOR HIGHER EDUCATION, WASHINGTON, D.C., JANUARY 14, 1964

Two years ago I addressed a group of college presidents as Secretary of Health, Education, and Welfare. Many of you who were there will recall that—though my purpose was constructive—my remarks were not considered especially flattering.

At that time I was concerned about the failure of college presidents to give solid support to the college aid bill. Their squabbling over details, their insistence on having their individual views prevail—or none at all—was undermining the effort to secure our mutual goal: the passage of much-needed legislation.

Since that speech 2 years ago, many things have changed. First of all, much of the dissension within the ranks of higher education subsided. The new show of unified support greatly contributed to the passage last year of the college aid bill, a landmark in the history of American education.

My own career also changed. Much as I valued the opportunity to serve in the Department with primary responsibility in the field of education, I find even greater challenge and satisfaction in being in the forum where the issues are finally resolved. I was proud to be President Kennedy's spokesman for the college aid bill. But I can assure you that no speeches or testimony to Congress could compare with actually casting my vote as a U.S. Senator on the day that bill was passed.

The change from the Cabinet to the Senate has also given me the opportunity to take my own independent position on pending issues, and to view in broader perspective the relationship between Congress and the executive branch. I know Congress does not give the executive branch everything it asks for. But my concern is for the other side of the coin—Congress rarely gives the executive branch anything it did not ask for. Congress is slow to initiate its own proposals for dealing with national problems. And there is an extreme reluctance to advance suggestions that are actively opposed by the executive branch.

The issue we discuss this evening is a good example. For years Senators and Congressmen have introduced bills calling for some form of tax relief to those who pay the costs of a college education. Each year the Treasury Department has opposed such bills. What has been the result? These bills have never passed, they have never been seriously considered in a single committee of Congress, they have never even been brought to a vote.

I don't know whether such a bill will pass this year, but I am sure the Finance Committee will give the matter serious consideration, and I can assure you there will be a vote—in committee and, if necessary, on the floor of the U.S. Senate.

Early this year, I introduced my own bill providing tax relief for college costs. Eighteen other Senators also sponsored their own bills on this subject. As the tax bill moved through the House of Representatives on its way to the Senate, I realized that the best way of bringing this issue to a head was to offer an amendment to the tax bill. I, therefore, invited the other Senators who had expressed an interest in this approach to work with me in preparing an amendment containing our best thinking on this problem.

From that effort emerged amendment No. 329 to the pending tax bill, an amendment which I introduced with the cosponsorship of 14 other Senators. Let me tell you exactly what this amendment does, why I am for it, and why I disagree with the Treasury's arguments against it.

This amendment provides an income tax credit to any person who pays for college tuition and certain related expenses, such as fees, books, and supplies. The credit is available to parents, to students themselves, if they pay or contribute to their own tuition, and also to any other person who may decide to finance the higher education of a deserving young man or woman.

The credit is computed on the amount of tuition, fees, and books paid up to a maximum of $1,500. The credit is 75 percent of the first $200, 25 percent of the next $300, and 10 percent of the next $1,000. For example, if tuition and fees are $300, the credit is $175. This means the person's taxes are actually reduced by $175. If the expenses are $800, the credit is $255. The maximum credit on $1,500 of expenses is $325.

This percentage formula was used to recognize the fact that tuition at most public colleges is less than at private colleges. By giving a proportionately greater credit to low tuitions, we have sought to equalize the relative benefit of the credit between those who pay tuitions at public and private colleges.

The credit is reduced by 1 percent of the amount by which the taxpayers adjusted gross income exceeds $25,000. This means the credit is reduced by $50 for each $5,000 of income over $25,000. Under this provision the man in the $30,000 bracket gets less tax benefit than the man in the $10,000 bracket, and the man in the $60,000 bracket gets no benefit at all.

This feature of the amendment is designed to meet the objection to other tax relief plans that they waste benefit on the very rich who do not need it and they prefer the upper income groups. Our amendment provides no benefit to the very rich, and prefers the middle and lower middle income groups to the upper income groups. It was this aspect of the amendment which prompted the American Association of University Professors even though opposed in principle to call it "more meritorious than the usual tax deduction or tax credit proposal.

This proposal is not intended as a substitute for any other form of aid for higher education. Naturally, I hope it will help many taxpayers provide a college education for their children or for themselves. But I recognize that the amount of the credit will not make the decisive difference for a majority of taxpayers as to whether or not they can afford the costs of a college education. It will, however, be helpful to all such taxpayers and we could serve no more worthy purpose than helping to provide a higher education for every qualified young man and woman in America.

I support this amendment to the tax code because I believe the heavy burden of a college education is just as entitled to be lessened through our tax laws as the heavy burden of medical expenses or casualty losses. College costs hit a family in a comparatively short span of years and hit with an impact that hurts. A $3,000 college expense is a staggering burden for a man earning $8,000, $12,000, or $15,000. It is no answer to say the cost can be anticipated. Medical expenses, too, can be anticipated, yet our tax laws even provide tax relief for the cost of health insurance.

In the past, two main arguments have been directed at this type of proposal. One has concerned high-income families and the other low-income families.

First, it has been argued that tax relief proposals do more for upper-income taxpayers than for middle-income taxpayers and that the benefit is wasted on those in really high-income brackets. My amendment meets that objection head on. Because the credit has a limitation based on income, the upper-income family actually gets less benefit than the middle-income family, and the high-income family gets no benefit at all.

Second, it has been argued that tax relief proposals do nothing for the very-low-income brackets who pay no taxes. The answer to this argument is not to reject tax relief for the middle-income families who need it, but to provide scholarship aid for students from the low-income families. Most scholarship assistance now goes to families below the $7,000 income level. And more such aid is needed. But this type of aid rarely helps those in the middle-income brackets.

Yet their burdens are heavy, and they are entitled to some relief. In fact, the middle-income families for years have been helping the scholarship families through increased tuition payments that help provide the colleges with student-aid funds. It is time these middle-income families got some needed help.

A scholarship proposal should certainly not be opposed because the middle-income families get no benefit from it. By the same token a tax relief proposal should not be opposed, because the very low income groups, the nontaxpayers, get no benefit from it. Both approaches are necessary and desirable.

Let me turn now to the points raised by the Treasury Department in opposing this amendment in its December 11 report to the Finance Committee.

The Treasury suggested that use of the tax system might cause a serious conflict with nontax proposals for education such as H.R. 4955, the National Defense Education Act bill, and H.R. 6143, the college-aid bill. I disputed this claim when I introduced this amendment, and I dispute it again today. The fact is that both of these education bills have been passed by Congress and signed into law. My amendment presented no conflict whatsoever.

Next the Treasury deals with the concern that this amendment will lead to a new round of tuition increases. There are several answers to this. First of all, tuition

costs have been rising anyway, as you well know. Secondly, this argument assumes that you college presidents and administrators set your tuition charges by what the traffic will bear. I do not accept this. I believe your charges reflect the increased costs you face, not the increased ability of parents to pay. Thirdly, if there are some colleges that will raise tuition whenever they know parents have some extra money, then they will do this whether or not my amendment is in the bill, because they will know that the pending bill gives everyone extra money through rate reductions.

Finally, the argument would have some validity only if all or a substantial portion of a tuition rise could result in lower taxes. But because this amendment allows only a 10 percent credit on charges above $500, a tuition increase of $100 still costs the taxpayer $90. The $10 saving scarcely gives you incentive to raise tuition $100.

On the question of aiding low-income families who pay no taxes, my argument has been that increased scholarship assistance is needed, and that such assistance is not generally available to the middle-income groups benefited by my amendment. The Treasury disputes this. They claim the college scholarship service has reported the median income of families of students receiving scholarships is $8,500. Treasury is close to the right figure, but quite incorrect in understanding what it means. The median figure is $8,436. However, this is not the median of families receiving scholarships, it is the median figure for families applying for scholarships.

We really don't know what the national average is for families who receive financial aid, but we have some fairly good indications. Under the National Defense Education Act student loan program, for example, 71 percent of the families aided had incomes of less than $6,000.

The Treasury also disputes my argument that college expenses are as entitled to tax relief as medical expenses. College expenses, says the Treasury, are not as extraordinary as heavy medical expenses. I wonder how many Treasury Department officials, facing the prospect of $2,000 college costs for their children, really believe that statement.

"College expenses," the Treasury goes on, "are of an optional nature as contrasted with medical expenses which cannot be avoided." This reveals a surprising ignorance of what is going on in this country in both education and medicine.

Our whole effort in this country is to make college education realistically available to all with the capacity for it. Dismissing higher education as "optional" is strange from spokesmen for an administration that has worked hard toward this goal.

And if the Treasury believes that medical expenses cannot be avoided, then they have completely failed to understand why the administration and others, including myself, believe so strongly in a program of federally financed health insurance. Medical expenses are indeed avoided by the many who can't afford them. These are the low-income groups who pay no taxes. The medical deduction provides them no benefit whatsoever. But we don't oppose the medical deduction for this reason. Instead we seek to do something about the people in need.

The same is true of college expenses. Instead of opposing a tax relief amendment because there are some people it does not help, we should adopt the amendment and in addition help the very-low-income groups by other means.

Finally, say the Treasury, the amendment should be put aside because it is "outside the scope of the bill." Frankly, this is the argument I find most objectionable. For the Treasury Department is saying to Congress, especially to the U.S. Senate: "You have no business considering a proposal that was not included in our recommendations. Your job is simply to legislate on the matters we send to you. Don't do any independent thinking of your own."

I reject that point of view. As legislators we do have a responsibility to initiate our own proposals, to consider them, and vote on them whether or not they have the support of the executive branch. And that is exactly what will happen with this amendment concerning tax relief for college costs.

I am very pleased that this citizens committee has been formed and that it has taken an interest in proposals of this sort. With the support of men and women like yourselves who are close to the realities of the problem of financing higher education, I believe we have a good chance to be successful.

SUBVERSION CONTROL BOARD IN LATIN AMERICA

Mr. KEATING. Mr. President, it becomes increasingly clear that the violence of the crisis which recently occurred in the Panama Canal Zone and the tragic crisis in the relations between the United States and Panama were substantially, if not wholly, promoted by Communist agents trained in Cuba by Castro. The skill with which these Castro-Communist agents inflamed Panamanian resentment and created a first-class conflict should be a clear warning not merely to the United States but also to every single one of the nations of Latin America. What is involved is not merely the question of flags or the status of the Panama Canal, but also the peace and stability of every state in this hemisphere.

There is a pressing need for coordinated action throughout Latin America to keep track of the activities of Castro's agents and Castro-trained subversives who are all too adept in the arts of murder, mob violence, and pillage.

Some time ago I proposed the creation of an Inter-American Subversion Control Board with specific responsibility to provide up-to-date information on the activities and techniques of Castro-trained agents. My proposal was originally conceived as a result of the violence preceding the Venezuelan elections. On November 2 a cache of weapons was discovered which clearly originated in Cuba and had been shipped to Venezuela to increase terrorism and violence and block free elections. The Organization of American States has had this incident under study for over 2 months now, and it is hoped will shortly come up with a report and recommendations. In my view, an Inter-American Subversion Control Board would be a most useful instrument in combating Castroite activities which, as we have just seen, are all too prevalent throughout the hemisphere.

On December 21 I called this proposal to the attention of the Secretary of State and asked for comments upon it. Now the State Department has informed me, "We are studying your challenging proposal with interest and will be in touch with you shortly."

I am hopeful that some action along these lines may be taken, not only by the states of Central America which have already indicated their support for some organization for pooling information on Communist subversion, but also by the Organization of American States to serve the needs of the entire hemisphere.

GREETINGS TO PRESIDENT SEGNI

Mr. KEATING. Mr. President, the Congress and the people of the United States join in welcoming to our Nation and our Nation's Capital President Antonio Segni and Mrs. Segni. As President of our close ally Italy and one of the leading statesmen of the West European world, he has the warm greetings and heartfelt friendship of the United States. The warmth, that has been so conspicuously lacking in our climate recently, is evident in our sincere welcome to the President of Italy and our heartfelt good will.

Mr. President, the problems that face the Italian nation today are serious ones. The dangerous increase in Communist voting strength, even among people who, we know, will never, can never, be Communists in their hearts, offers a deep challenge. President Segni has had to meet this problem in the past, and will undoubtedly face it in months to come. Certainly the people of the United States join in wishing him and his country success in responding to the continuing challenges of the 20th century.

Italy has a heritage of achievement, of culture, and of deep-rooted patriotism. It is a heritage that all Italians can be proud of, and it has been carried to all corners of the world by the proud sons and daughters of Italy, and conspicuously to our country. It is our hope that the present visit of President Segni will highlight the strong ties between the United States and Italy and will strengthen the deep bonds of friendship and affection between our peoples.

ADDRESS BY PRESIDENT SEGNI OF ITALY AT A JOINT MEETING OF THE TWO HOUSES OF CONGRESS

Mr. HUMPHREY. Mr. President, I wish to say a brief word with reference to the address of the President of the Italian Republic, Antonio Segni, in the joint meeting of the Congress today. It was a remarkable address. It was thoughtful, as well as timely.

This distinguished statesman of a great, friendly country and fine people, underscored the importance of the concept of the Atlantic partnership, the Atlantic Community, which was close to the heart of our late, beloved President, John F. Kennedy.

I was pleased to hear the President of the Italian Republic call our attention to President Kennedy's address at Philadelphia in July, 1962. In that address President Kennedy outlined for the American people, and, indeed, for all the people of the world, the concept of a great Atlantic Community, an Atlantic partnership, which would achieve the ideals of democracy and freedom, which

ideals are so dear to all the participants in the Atlantic Community.

The address of President Segni of Italy was a forceful presentation of the goals and objectives which we ought to embrace in our foreign policy and in our relations with the countries of western Europe and the other countries of the Atlantic Community.

I was pleased to hear the strong support of the President of Italy for the North Atlantic alliance, the NATO organization. I was particularly moved when I sensed the vision of this man and the commitment of that vision to the Atlantic partnership and the Atlantic Community.

I thank the people of Italy for sending us such a fine representative of their democracy, their culture, and their great country.

I join many of my colleagues in the Senate in saluting the free people of Italy for their allegiance and loyalty to the North Atlantic Treaty Organization and their bonds of friendship with the people of the United States and the Government of this Republic.

COMMISSION ON AUTOMATION, TECHNOLOGY, AND EMPLOYMENT

Mr. HUMPHREY. Mr. President, I am introducing legislation today to carry out one of the major proposals in President Johnson's state of the Union message—the establishment of a Commission on Automation, Technology, and Employment.

Automation and technology are profoundly affecting our society and will continue to have an even greater effect in the years ahead. President Johnson told the Congress "if we have the brainpower to invent these machines, we have the brainpower to make certain they are a boon and not a bane to humanity."

There are many needs in this country crying out for the application of this new knowledge and these new machines. There are many tasks and projects that would create thousands of new jobs, create many new communities, revitalize more old ones. Our new powers can put men to work, not lay them off. These powers can create vital new regions, not depressed areas. But this will take planning, not wishful thinking.

For example:

First. A commission needs to study what is involved in translating new scientific knowledge gained in our military and aerospace research, into civilian products for general use. Whole new industries could be created in this way.

Second. It is now becoming possible and consistent with defense security, to cut down military personnel, uranium producing processes, and close obsolete bases. We can look forward to more of this release of men and resources. But we must do the proper planning to assure that this will be a "boon and not a bane" not only to the lives and livelihoods of the people and communities involved, but to the entire Nation.

Arms reduction must not be permitted to result in reduced gross national product or increased unemployment.

The Subcommittee on Disarmament, of which I am privileged to serve as chairman, has conducted an exhaustive, extensive study into the subject of the economic impact of arms reduction upon the American economy. Regrettably, that study has been listed as classified or confidential. I hope that the whole study will be referred to the Clark subcommittee, so that we may have the information that was so carefully prepared by some 360 or 365 defense contractors in cooperation with the Department of Defense, the Department of Commerce, and the Department of Labor. This information is of great value.

We are extremely fortunate in having in our large industrial enterprises management that is thinking ahead in terms of what to do when and if sharp reductions are made in defense spending, if conditions in the world should permit such reductions to be made. It is this kind of private planning that I believe will serve us well in the days ahead. But private planning for profit also requires some public planning for the people and for the general good of the Nation. So I suggest that there be some coordination between the private and the public sectors, as the bill I shall introduce today provides.

Third. A whole new "systems approach" to large-scale problems has been developed in Government-sponsored research. This involves highly expert people and disciplines working together. We must plan to translate this skill and this method to large-scale problems of the Nation, in regional development, city planning, transportation, air and water pollution, and more.

Must we assume that there is a fatalistic drift in our population to pile up in great cities hugging the coastline of America while the heartland is drained of people? Must rural America become a sparsely populated agricultural factory and must even medium-sized industrial towns become derelict in the backwash of big city growth?

I believe that a commission such as I have proposed today could show us how we have more than enough knowledge to do some creative, imaginative regional planning to broaden the base of economic power in all sections of the country; to keep the virtues of small and medium-sized community living; to keep the regional vitality and balance of strength in our Nation.

Our cities will grow enough anyway with an expanding population. Already they are strangled in transport, fouled in their air, and suffering for fundamental educational planning. Indeed all of the sheer logistical problems of living in them are getting out of hand.

There is more than a job, enough to do to absorb all of our manpower, keep the computers humming and the automated machines clicking, and use the most sophisticated skills of our scientists and technicians.

It is time to stop wringing our hands about present problems associated with automation and technology, and the large ones looming. It is time to start attacking them. The possibilities now opening up to release some money from the requirements of defense, and the prospect of more to come, project us into both the possibility of planning ahead and make that planning a necessity.

NEW PRESIDENTIAL COMMITTEE

Achieving President Johnson's objective of "ending the cold war" and creating a "new era of hope" will require systematic programs to deal with the problem of orderly conversion from military production to production of high priority domestic items.

On December 20 President Johnson announced the formation of a high-level interagency committee to cope with the impact of possible arms reductions and shifts in defense spending. Walter W. Heller, Chairman of the Council of Economic Advisers, has been appointed Chairman of the nine-member Committee on the Economic Impact of Defense and Disarmament. Other Federal departments and agencies represented on the Committee include: Commerce, Labor, Defense, the Atomic Energy Commission, the Office of Emergency Planning, the Arms Control and Disarmament Agency, NASA, and the Budget Bureau.

In his memorandum announcing the formation of this Committee, President Johnson noted:

> Federal outlays of defense are of such magnitude that they inevitably have major economic significance. In certain regions of the Nation and in certain communities they provide a significant share of total employment and income. It is therefore important that we improve our knowledge of the economic impacts of such spending so that appropriate actions can be taken—in cooperation with State and local governments, private industry and labor—to minimize potential disturbances which may arise from changes in the level and pattern of defense outlays.

The formation of this Committee represents an important step forward toward achieving the comprehensive planning which is obviously so essential if we are to avert profound economic and social dislocations in the coming years. President Johnson has acted with great wisdom and foresight.

CONGRESSIONAL ACTION

Congress has been concerned with these problems for a number of years. Beginning in 1958 the Disarmament Subcommittee of the Foreign Relations Committee has been studying the economic impact of disarmament and arms control. As chairman of this subcommittee, I initiated a comprehensive survey of private firms engaged in defense production to establish the probable impact of a cutback in Government defense spending when such cut would be feasible. On October 5, 1962, I presented a summary of this survey to the Senate; it is found in the CONGRESSIONAL RECORD, volume 108, part 17, pages 22558–22562. Let me quote the basic conclusions:

> I believe that the Disarmament Subcommittee's study has given evidence that the United States could, and would, be delighted to shift to full civilian economy without a severe economic dislocation from maintaining a heavy armament program * * *. Economic problems can be solved if Govern-

ment and industry have the wisdom and the will to plan ahead. The Congress should do its share by reviewing the extent to which new or modified legislation is needed.

These conclusions are just as valid today as they were when I presented this summary to the Senate in late 1962.

More recently the distinguished senior Senator from Pennsylvania [Mr. CLARK] has been holding an extensive series of hearings before the Manpower and Employment Subcommittee of the Labor and Public Welfare Committee. From conversations with my good friend from Pennsylvania, I am confident that these hearings will expand considerably our knowledge bearing on this critical problem. I look with great anticipation to receiving the subcommittee's full report of these hearings.

LEGISLATIVE PROPOSALS

Several pertinent bills have been introduced in the past year which relate to this overall problem. In July the distinguished Senator from New York [Mr. JAVITS] introduced Senate Joint Resolution 105 which would authorize the appointment of a Presidential Commission on Automation. The Commission would be composed of 25 members from various walks of life together with representatives of the Federal Government serving in an ex officio capacity. The work of the Commission would be primarily directed toward problems of economic adjustment caused by technological change and automation and the effect of such changes upon employment.

In November the distinguished Senator from Michigan [Mr. HART] introduced S. 2298, a bill to establish a commission patterned along the lines of the Hoover Commission charged with promoting "the application of recent technological advances to meet large-scale human, community, industrial, and manpower needs for the Nation." Members of the Commission would be drawn from the Federal agencies, the Congress, and from private life.

The legislation introduced by Senator JAVITS and Senator HART recognize that technological progress is essential to national prosperity. Both bills are concerned with the impact of automation on employment. The Hart bill emphasizes the use of technological advances in promoting employment opportunities and in meeting presently unmet national needs. Both bills are distinct contributions toward achieving a fuller public understanding of the relationships between automation and employment and the great potential for a richer and more productive life for every American inherent in such technological advances.

The distinguished Senator from South Dakota [Mr. MCGOVERN] has introduced yet another bill (S. 2274) to establish a National Economic Conversion Commission composed of members of the Federal agencies concerned with reductions or changes in defense spending. In essence, the proposals contained in the McGovern bill have been largely realized with the establishment of President Johnson's Committee on the Economic Impact of Defense and Disarmament. Senator MCGOVERN's outstanding leadership in this area certainly must be recognized as a major factor in stimulating these recent developments which will lead to greater coordination and planning within the executive branch in regard to defense spending and the economy.

COMPREHENSIVE STUDY NEEDED

While I was reviewing these various proposals to establish commissions to investigate the growing problems engendered by technology, automation, defense spending, and unemployment, it became evident that these separate problems were, in fact, closely interrelated. Since a number of common objectives were shared among the various proposals, it seemed reasonable that a single, more comprehensive commission might provide the vehicle to achieve knowledge and information which dealt with the problem in its totality. A more selective approach, while undoubtedly adding to the sum total of our understanding, nevertheless would sacrifice the impressive benefits which are possible when the existing interrelationships in these various areas are recognized and acted upon.

This Commission, patterned after the highly successful Hoover Commissions, would be composed of 32 members: 10 members each from the executive and legislative branches, and 12 members from private life, including industry and commerce, labor organizations, and the general public. In essence, the legislation seeks to combine the basic purposes of the Javits, Hart, and McGovern bills under the aegis of one, more diversified, Commission.

EXPERTISE IN VARIOUS AREAS

The bill establishes a Hoover-type Commission in order to draw from the expertise which exists in the public and private sectors of our economy. The ability to solve these problems does not lie exclusively within the executive agencies—or Congress, for that matter. State and local governments, as well as labor and management, can—and must—participate in attacking these critical problems and in promoting a healthy and vibrant economy, as well as defining and meeting our unmet community and human needs. The Commission will recommend what each of these segments of society can do and how it can be accomplished most effectively.

The Commission will be authorized to establish advisory panels of persons of exceptional competence and experience in the fields of science and technology, economics, political science, operations analysis, and business. These advisory panels will provide the Commission with the means of developing the latest and most relevant knowledge in each specialized area which bears on the total problem. The Commission also will be charged with exploring means whereby principal defense contractors will initiate a continuing series of studies to develop specific plans for reconversion and diversification of current defense contracts and expenditures. These are studies which should be initiated without delay and only the defense industry itself possesses the information necessary to make such studies truly meaningful. The other principal objectives of the legislation include:

First, to identify and describe the major types of prospective technological and economic changes which are likely to occur, and their effect upon the nature of employment requirements.

Second, to report on appropriate policies and programs for economic conversion capability resulting from possible reductions or changes in defense spending.

Third, to report the recent and prospective pace of technological change, its impact on productivity, its incidence upon particular occupations and groups of workers, and its other effects upon the Nation's economy, communities, families, social structure, and human values.

Fourth, to determine the relationship between the general level of unemployment and the particular employment consequence of technological progress, and identifying the major conditions for and existing obstacles to the speedy reemployment, or other equitable adjustment, of workers displaced by automation and other forms of economic change.

Fifth, to define those areas of unmet community and human needs where application of new technologies might most effectively be directed.

Sixth, to examine technological developments that have occurred in recent years, particularly those resulting from the Federal Government research and development program, with a view to discovering those areas potentially most promising for civilian and industrial exploitations.

During the course of its study and investigation, the Commission may submit to the President and Congress such reports as it may deem advisable. The final report and recommendations must be submitted within 2 years after final passage of the legislation.

Mr. President, there is no question that many Members of Congress, officials in the executive branch, and private citizens are deeply disturbed by the growing impact of automation, technology, defense spending, and unemployment on the economic and social welfare of the United States. The time has come for a truly comprehensive and in-depth study of this critical challenge to our system of democratic government and our system of free enterprise. Enactment of this legislation will provide the vehicle whereby such a cooperative attack on these problems will be possible. I urge the earliest consideration and approval by the Congress of this bill to establish a Commission on Technology, Automation, and Employment.

Mr. JAVITS. Mr. President, I am delighted to see the Senator from Minnesota dealing with matters of this kind, which are so urgent. It is typical of what the Senator always does in connection with so many things.

A number of bills are pending before the Committee on Labor and Public Welfare. Two of the bills are primary bills, one which the Senator has mentioned, and the other, I believe, sponsored by the Senator from Michigan

[Mr. HART]. A third bill is sponsored by myself and the Senator from Oregon [Mr. MORSE]. The latter bill, providing for a commission on automation, followed the recommendation made by President Kennedy during the railroad strike emergency.

Some hearings have been held on this subject, and it has been very strongly supported in those hearings.

I believe that the Senator's entering into the situation will be of material help in enabling us to have a bill reported to the Senate.

I most respectfully suggest to the Senator that, after studying the bills which are now the subject of hearings, if he thinks it advisable, hearings could be arranged by our subcommittee, over which the Senator from Pennsylvania [Mr. CLARK] presides, and that then his initiative might very well be the final step in actually getting a bill through the subcommittee and the full committee and reported to the Senate.

As is so often true, in entering this field, the Senator from Minnesota has again sensed the imminency and importance of one of the most critical issues before our people. I welcome his participation. I believe that his intercession can easily prove to be the final spark in bringing legislation to the floor of the Senate.

Mr. HUMPHREY. I thank the Senator from New York. I am fully aware of the fact that other Senators have taken the initiative in this matter and that hearings have been held by the Clark subcommittee of the Committee on Labor and Public Welfare. I am privileged to be a cosponsor with the Senator from Michigan [Mr. HART] of a bill relating to the problems of automation and employment; also with the Senator from South Dakota [Mr. MCGOVERN]. Both bills, I believe, are sound in substance and objective.

I am introducing my bill today, with the cosponsorship of Senator HART and Senator CLARK, as one further effort, as one additional type of program, so that the hearings which are now being held by the Clark subcommittee may have in them another proposal.

I have no pride of authorship. The subject is so important and the problem is so complex, and the needs so manifest, that what is required is for the subcommittee to process a piece of legislation that best meets the needs as the testimony reveals those needs.

Mr. JAVITS. Mr. President, the Senator from Minnesota is very modest. I should like to say, unilaterally, that I think the Senator's entrance into this field by way of sponsoring the bill will have much to do with bringing the proposed legislation to fruition.

Mr. HUMPHREY. I thank the Senator from New York.

Mr. President, the Morse-Javits bill, the McGovern-Humphrey bill, the Hart-Humphrey bill, and now the Humphrey-Clark-Hart bill are but several of the approaches which have been offered in Congress thus far. It appears to me that what we need is some fresh thinking on the whole subject matter. When the hearings have been completed, I am confident that the portions of the respective bills that seem to meet the needs as revealed in the testimony can be put together in a bill which can then be brought to the Senate for appropriate action.

Mr. President, I ask unanimous consent, so that there may be no doubt about it, that the bill I now introduce on behalf of myself, the junior Senator from Michigan [Mr. HART], and the senior Senator from Pennsylvania [Mr. CLARK], to establish a Commission on Automation, Technology, and Employment, be referred to the Committee on Labor and Public Welfare, so that the Clark subcommittee may have the bill before it as a part of its general hearing on employment problems.

I ask unanimous consent that the proposed legislation may remain at the desk for an additional week so that other Senators who so desire may become cosponsors. I also ask unanimous consent that the full text of the bill be printed in the RECORD, along with editorial commentary and news reports of President Johnson's determination to make substantial cutbacks in the defense budget.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and lie on the desk, as requested by the Senator from Minnesota.

The bill (S. 2427) to establish a Commission on Automation, Technology, and Employment, introduced by Mr. HUMPHREY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, 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 Congress hereby recognizes that technological progress is essential to the advancement of national prosperity and power. Congress also recognizes the need of promoting the application of recent technological advances to meeting large scale human, community, industrial, and manpower needs of this Nation. Automation resulting from technological advances, possible changes or reductions in defense spending, and other factors of economic change all contribute to major industrial and employment problems facing the Nation. The Congress declares that a wise and timely solution of these problems can benefit the entire Nation through increased output and productivity and the avoidance of hardship to individual workers. Such objectives can be most effectively achieved by—

(a) identifying and describing the major types of prospective technological and economic changes which are likely to occur, and their effect upon the nature of employment requirements;

(b) reporting on appropriate policies and programs for economic conversion capability resulting from possible reductions or changes in defense spending;

(c) reporting the recent and prospective pace of technological change, its impact on productivity, its incidence upon particular occupations and groups of workers, and its other effects upon the Nation's economy, communities, families, social structure, and human values;

(d) determining the relationship between the general level of unemployment and the particular employment consequence of technological progress, and identifying the major conditions for and existing obstacles to the speedy reemployment, or other equitable adjustment, of workers displaced by automation and other forms of economic change;

(e) defining those areas of unmet community and human needs where application of new technologies might most effectively be directed;

(f) examining technological developments that have occurred in recent years, particularly those resulting from the Federal Government research and development programs, with a view to discovering those areas potentially most promising for civilian and industrial exploitations;

(g) reporting on ways by which civilian research and development, together with uses of existing technology, can more effectively be directed in areas where major social and economic benefits may be achieved;

(h) describing those actions, properly the responsibility of management, labor, and government, which can be undertaken to apply new technologies to large-scale human and community needs;

(i) analyzing the balance and impact among domestic industry to see how the benefits from expenditure of Federal funds may accrue to a wider segment of such industry;

(j) initiating appropriate studies and plans by principal defense contractors so that procedures for reconversion and diversification will be under active consideration;

(k) defining proper responsibility and organization of agencies in the executive branch to achieving these objectives; and

(l) recommending ways in which the legislative branch of the Government can be better staffed to fulfill these objectives.

ESTABLISHMENT OF THE COMMISSION ON AUTOMATION, TECHNOLOGY, AND EMPLOYMENT

SEC. 2. (a) For the purpose of carrying out the policy set forth in the first section of this Act, there is hereby established a commission to be known as the Commission on Automation, Technology, and Employment (referred to hereinafter as the "Commission").

(b) The Commission shall be composed of thirty-two members as follows:

(1) Ten appointed by the President of the United States from the executive branch of the Government representing the: Department of Agriculture; Department of Commerce; Department of Defense; Department of Health, Education and Welfare; Department of Labor; United States Arms Control and Disarmament Agency, Atomic Energy Commission; National Aeronautics and Space Administration; Office of Science and Technology, and the Council of Economic Advisors;

(2) Five appointed by the President of the Senate from Members of the Senate;

(3) Five appointed by the Speaker of the House of Representatives from Members of the House of Representatives;

(4) Three appointed by the President of the United States who shall be representative of industry and commerce;

(5) Three appointed by the President of the United States who shall be representative of labor organizations; and

(6) Six appointed by the President of the United States who shall be representative of the general public, and who shall be selected without regard to any interest or connection they may have with any of the foregoing areas.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(e) Seventeen members of the Commission shall constitute a quorum.

ADVISORY PANELS TO THE COMMISSION ON THE APPLICATION OF NEW TECHNOLOGY TO COMMUNITY AND MANPOWER NEEDS

SEC. 3. The Commission may establish Advisory Panels which shall consist of persons of exceptional competence and experience in the fields of science and technology, economics, political science, or operations analysis. Such Advisory Panel members shall be drawn equally from the Government, private industry, and nonprofit educational and technological institutions, and shall be persons available to act as consultants for the Commission.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) The members of the Commission appointed from private life shall each receive $75 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 5. (a) The Commission may appoint and fix the compensation of such personnel as it deems advisable in accordance with the provisions of the civil service laws and the Classification Act of 1949.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services (including those of members of the Advisory Panel) to the same extent as authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates not to exceed $75 per diem for individuals.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall make a comprehensive and impartial study and investigation of the programs and policies of governmental and private institutions to determine the most effective ways by which such institutions can promote the purposes and objectives set forth in the first section of this Act.

(b) During the course of its study and investigation the Commission may submit to the President and the Congress such reports as the Commission may consider advisable. The Commission shall submit to the President and the Congress a final report with respect to its findings and recommendations within two years after enactment of this Act.

POWERS OF THE COMMISSION

SEC. 7. (a)(1) The Commissioners or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(2) In case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection, any district court of the United States or the United States court of any possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is being carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

EXPENSES OF THE COMMISSION

SEC. 8. There are hereby authorized to be appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

The news reports and editorials submitted by Mr. HUMPHREY are as follows:

[From the New York Times, Dec. 27, 1963]

DEFENSE OFFICIALS ARE PREPARING CONTRACTORS FOR ARMS-CUT PACT

(By Jack Raymond)

WASHINGTON, December 26.—Defense officials appear to be preparing themselves and military contractors for possible disarmament agreements with the Soviet Union next year.

Nobody at the Pentagon is predicting a significant arms reduction. Several moves are underway, however, to cope with shifts in military procurement that would result from such agreements.

An attempt is being made to study potential military spending shifts, apart from the impact on defense industries already indicated because of changes in weapon requirements.

President Johnson's order last Sunday for the creation of an intragovernmental committee to survey defense spending shifts and their impact on industry is only one indication of the Government's concern with the problem.

Arthur Barber, Deputy Assistant Secretary of Defense for arms control, told a meeting of the American Institute of Aeronautics and Astronautics in Los Angeles last week that he expected visible progress toward an East-West arms control agreement in the next 12 months.

FIVE-YEAR FORECASTS PLANNED

Mr. Barber urged contractors to look for new markets as insurance against reduced defense budgets. The present military spending rate is more than $51 billion a year, but President Johnson has forecast a cut of several hundred millions in the next budget.

The Defense Department has undertaken 5-year forecasts of military procurement, covering virtually all unclassified items, as an economic guide to industries and communities dependent on defense contracts.

The office of Assistant Secretary Charles J. Hitch, the Pentagon Comptroller, and the Institute for Defense Analyses, a private research concern subsidized by the Government, are working jointly on the guide.

The guide will derive from the present 5-year budgeting programs based on strategic forecasts. The first guide for defense contractors is not expected to be ready for at least a year.

Secretary of Defense Robert S. McNamara said December 18 that the Nation's economy could adjust to disarmament without trouble, and even with benefits. "I think that if we were to face a progressive series of moves toward disarmament, we could very easily adjust our industrial base to those moves with great benefit to our society," he declared then.

He thus made clear that any arms reduction would allow for progressive action. But he did not indicate the basis of his confidence that the economy could withstand a cut in military spending.

Mr. Barber, in his speech, predicted that more projects such as the Dyna-Soar space glider would be dropped.

"What you have got to face is that the markets you're in are going to diminish and you've got to create new products," he advised contractors.

SEES NEW INDUSTRIES

Mr. Barber also said that defense industries should not expect to compensate for arms procurement cuts with the manufacture of equipment that would be used for arms control inspection.

He thus touched on a favorite theme of defense industry spokesmen in recent years—namely, that electronics manufacturers in particular would shift their markets from the defense industry to the disarmament and disarmament inspection industries.

Compared with a military spending budget of more than $80 billion a year and procurement contracts of more than $17 billion, he said, the proposed inspection systems would run from $10 million to $20 million, with more than 90 percent made up of items that could be bought off the shelf.

Pentagon officials, asked to comment on moves for dealing with disarmament, called them precautions.

Trying to cope with economic problems brought on by arms control measures is like attempting to deal with the continuing obsolescence of weapons and bases, they said.

One official appeared to summarize the prevailing attitude as follows:

"It is just as easy to study defense procurement shifts in terms of disarmament as it is to study it in terms of weapons changes. In both cases the main point is to find out where contracts go and where they are taken away and what you do in the communities that are affected."

[From the Christian Science Monitor, Dec. 13, 1963]

PENTAGON AX HITS MILITARY BASES

WASHINGTON.—The Defense Department's impending economy plans are in response to pleas of the White House under both the late President Kennedy and President Johnson.

Congressmen quoted Roswell L. Gilpatric, Deputy Secretary of Defense, as saying it was not the Defense Department's job to consider unemployment and other factors, but only to respond to a request for economy.

This appeared to refer to Mr. Johnson's emphasis on economy since succeeding the late President Kennedy November 22.

President Johnson told a news conference last Saturday he and Secretary of Defense Robert S. McNamara were making a study of defense installations to determine which could be eliminated as a way of curbing spending.

This base survey program predated Mr. Johnson's rise to the Presidency by about 2½ years. It was inaugurated by Mr. McNamara in March 1961, about 2 months after the Kennedy administration took office.

SAVINGS ESTIMATED

At that time, the Pentagon listed 6,700 bases and installations of various sorts, about 4,500 of them in this country and the rest abroad.

Since March 1961, the Defense Department says, more than 400 installations have been closed or reduced in scope. Claimed savings: about $316 million a year.

Mr. McNamara told Congress last January his goal was to take more such actions, so that by the end of the fiscal 1965—June 30, 1965—the annual savings will be increased to $442 million.

The Navy's 11 shipyards have been a source of some controversy for years. Two years ago, Mr. Kennedy overruled a Pentagon staff recommendation and ordered the Boston, San Francisco, and Philadelphia yards kept open.

Basically, a Navy-sponsored study showed earlier this year, private yards can do the work cheaper.

Navy yards now are limited to overhaul, modernization, and repair, with private shipyards handling what one Navy authority estimated was 80 percent of the new naval construction.

LEGISLATORS AROUSED

Secretary of Defense McNamara announced Thursday that, in an economy action, he had ordered 26 military bases in the United States and 7 bases overseas to be closed or substantially reduced.

Mr. McNamara told a news conference, "I have every reason to believe that studies now underway will lead to further reductions in the coming months."

The Defense Secretary said that, when the 33 bases are closed or reduced over a period of up to 3½ years, he expects annual savings of $106 million.

The move will cut off 8,500 civilian jobs and result in a reduction of about 7,800 military personnel, Mr. McNamara said.

Every civilian employee whose job is eliminated will be offered another job opportunity, Mr. McNamara promised.

No naval shipyards were on the list of Army, Navy, and Air Force bases due to be axed or reduced in scope.

Rumors Wednesday said Mr. McNamara would move to close naval shipyards in Boston, Philadelphia, and San Francisco. One base in Ohio also was mentioned.

House Speaker JOHN W. MCCORMACK, Democrat, of Massachusetts, acting for the entire Massachusetts delegation, carried to President Johnson Wednesday night a bipartisan protest against rumored closing of the Boston Naval Shipyard.

[From the New York Times, Dec. 18, 1963]

WE KNOW WHAT WE WANT—BUT ARE WE READY?

(By James Reston)

WASHINGTON, D.C.—President Johnson told the United Nations today that "the United States wants to see the cold war ended, once and for all." But what if it happened, or even began to happen? Would the United States be ready?

There is already trouble ahead for a great many American communities, because the U.S. Government's plans to cut military expenditures are running ahead of the plans to convert to useful civilian occupations.

The recent decision to close some military bases and the ensuing cries of anguish from the communities involved are merely an indication of the problems ahead.

Secretary of Defense McNamara has given a dramatic estimate of the Nation's military superiority over the Communists within the last month. He has said that it should be possible for the United States to maintain this superiority "without overall increases in our defense budget. The defense budget will level off and perhaps decline a little."

THE UNEMPLOYED

Meanwhile, the unemployment figure for November was 4,292,000, or 5.9 percent of the work force—up from 4,177,000 in January of this year—and while 80 percent of the people are enjoying unprecedented prosperity, about 20 percent, or over 30 million, are living on what the Government calls poverty standards.

This confronts President Johnson with two questions: first, whether the coming savings on defense are to be allocated to human needs for jobs, houses, schools, and hospitals in the city and country slums; and second, whether the defense cutbacks are to be cushioned by an effective plan of reconversion.

There are small reconversion committees scattered through the various departments and agencies of the Government: in the Department of Defense, the Disarmament Agency, and the Council of Economic Advisers, to mention only three.

Walter Heller, the Chairman of the Council of Economic Advisers, talked to President Kennedy last summer about pulling these committees together into a Presidential Conversion Commission, but no decision was taken on this before the assassination.

Meanwhile, Senator MCGOVERN has introduced a bill to establish a National Economic Conversion Commission, and Negro leaders have talked to President Johnson about using the defense cutbacks as a means of dealing with the plight of the slums.

The defense cutbacks have started, however, and a look ahead at the production of nuclear weapons indicates just how serious this problem is likely to be as time goes on.

CURRENT SPENDING

At the present time the Government is spending over $1.5 billion a year to mine uranium, convert it into U–235 and plutonium, and process it into nuclear weapons. President Kennedy announced that we had a nuclear capacity in being to kill over 300 million human beings in a single hour. Secretary McNamara has said that we now have more than 500 operational long-range ballistic missiles in addition to the Strategic Air Command, over 500 bombers on quick ground alert, and in stockpile or planned for stockpile tens of thousands of nuclear explosives for tactical use.

The need for the raw materials and the production of these raw materials into fissionable material for weapons will accordingly decline over the rest of this decade. Already this year savings of "tens of millions" are planned in the production of fissionable material, though the mining costs and weapons-production costs will remain about the same.

Eventually, however, whole towns will be affected. The Hanford, Wash., plant, for example, now employs over 6,000 and is the sole economic support of Richland, Wash., a town of over 25,000.

THE APPALACHIAN PROBLEM

Other towns likely to be affected are Oak Ridge, Tenn., Paducah, Ky., Portsmouth, Ohio, and Savannah River, Ga., among others. This is not an emergency problem. Nobody here is talking about closing up these plants in the foreseeable future, but conversion takes a long time.

The Atomic Energy Commission is the biggest user of electrical power in the country (6 percent). Its purchase of coal is a major factor in keeping the coal mines going in some of the poorest regions of Kentucky, Tennessee, Ohio, and Illinois, and therefore plans for the future of these already depressed areas are important.

This is the kind of problem that is likely to plague President Johnson. The foreign front was President Kennedy's major problem, but the home front is likely to be Johnson's, and the need for some effective way to convert from the cold war to the slum war is likely to be more urgent with every passing month.

"Hunger, disease and ignorance," the President said, were the enemies of the United Nations. But they are also the enemies of one-fifth of the people of the United States.

[From the Christian Science Monitor, Jan. 3, 1964]

MILITARY TRIMS PUSHED

(By Neal Stanford)

WASHINGTON.—President Johnson was serious when he said the military would have to take the biggest cut in his economy drive.

While vacationing in Texas, he has announced a billion-dollar reduction in actual defense expenditures for the fiscal year beginning July 1.

It has now been learned that he expects to cut another $3 billion or so from several weapons projects by either reducing, eliminating, or postponing them.

The billion-dollar savings is to be an immediate reduction in defense spending in the fiscal year beginning in July, while the $3 billion or so cut in planned weapons systems refers only to future budget requests as had been anticipated by President Kennedy.

MORE REQUESTED

Here are some of the places where the President intends to chalk up sizable savings in weapons systems:

The Minuteman: This ICBM is the country's primary long-range retaliatory weapon in any nuclear exchange with the Soviets.

The Air Force had asked for 150 more of these, but President Johnson is expected to approve only another 50 for the moment, bringing the total that would be available to 1,000.

TESTS SCHEDULED

The Typhoon: Contracts for this Navy air-defense missile have been canceled, though work will go ahead on guidance and control systems. The Navy naturally is disappointed but sees this only as a stretchout, confident that when a simpler control and guidance system is developed it will get this long-range defense weapon.

Strategic bomber: The Air Force has for some time wanted to develop a replacement for its B–52 and B–58 strategic bombers. This advanced manned precision strike system is not now going to get the green light though some recent stories have suggested it would. There will be funds for making further studies of this weapons system—but nothing like what its advocates had expected for its immediate development.

Weapons modernization: The Army has been pushing a modernization program for some time—a new rifle, new tank, etc., etc. All this comes into money when these items have to be produced by the thousands or even millions.

Some $3 billion has been earmarked for weapons modernization for the Army in military plans. This now, it appears is to be reduced to nearer $2.2 billion—or a reduction in the neighborhood of $800 million. Development of Army weapons has by no means been discarded. But it is stretched out, and in some cases postponed.

Attack submarines: The Navy, which is concerned about the growing size of the Soviet submarine fleet, is getting six nuclear attack submarines in the upcoming budget, but it had wanted more.

[From the New York Times, Dec. 13, 1963]

LIST OF MILITARY BASES AFFECTED BY ECONOMY ORDER

WASHINGTON, December 12.—Following is a list of military installations affected by the announcement of Secretary of Defense Robert S. McNamara with the kind of cutback to be made:

ALABAMA

Mobile: Theodore Terminal of the Army will be declared excess in July 1964, and turned over to the General Services Administration (GSA) for disposal.

Air Force Reserve troop carrier operations at Bates Field will be transferred to Brooklyn Air Force Base, Mobile, by December 1964.

ARIZONA

Litchfield Park: Naval air facility to be declared excess and turned over to GSA for disposal in stages spread over 3½ years ending June 30, 1967. Aircraft storage, reclamation and disposal operations at Litchfield will be combined with similar Air Force activities at Davis-Monthan Air Force Base, Tucson, and aircraft maintenance operations transferred to west coast naval air stations.

ARKANSAS

The Army's Fort Chaffee at Fort Smith will be inactivated and its current training mission transferred to other Army training camps by the end of June 1965.

CALIFORNIA

Mira Loma Air Force Station at Ontario will be closed and its mission transferred to other installations in the area by December 1964.

San Francisco: Army oversea supply agency will be closed by July 1964.

San Diego: The naval repair facility will be shut down by January 1965, and its scheduled overhaul work transferred to Long Beach Naval Shipyard. The facility will be retained for other purposes, not immediately specified.

Stockton: Navy storage activity at the Stockton Annex to be inactivated by December 1965, and turned over to GSA for disposal. Communication station will be retained.

GEORGIA

Byron: Navy forms and publications supply office will be moved to Naval Supply Depot, Philadelphia, and installation turned over to GSA for disposal by September 1964.

ILLINOIS

Chicago: 5th Army headquarters will be relocated to Fort Sheridan, Ill., and present facility turned over to GSA for disposal by June 1966.

LOUISIANA

New Orleans: The Army's Camp Leroy Johnson will be declared excess and the property returned to the New Orleans Levee Board. Training missions will be transferred to Fort Eustis, Va. New Orleans Army Terminal personnel will be housed in improved facilities in the area, with completion scheduled for June 1964. The Army's oversea supply agency, now at the Army terminal, will be phased out by July 1964.

MISSISSIPPI

Greenville: Greenville Air Force Base will be declared excess and turned over to GSA for disposal by June 1965. Training missions will be transferred to other air bases.

NEVADA

Reno: Activities at Stead Air Force Base will be reduced to Air Defense Command radar operations. The airfield and excess facilities will be inactivated and all other missions assigned to other Air Force bases by June 1966.

NEW HAMPSHIRE

Manchester: Air Force Reserve training at Grenier Field will be transferred to Pease Air Force Base, N.H., by June 1966. Grenier Field will be retained for Air National Guard use.

NEW YORK

Brooklyn: The Army's oversea supply agency at the Brooklyn Army Terminal will be phased out by July 1964.

Long Island: The Army's Fort Tilden will be inactivated except for the Reserve training center. However, all real property to be retained for possible future use. Nike sites will be relocated to Montauk Point (Camp Hero) and Lido Beach by December 1966.

New York City: Army's Fort Totten will be inactivated except for Reserve training center and family housing. All real estate will be retained for possible future use. Army Air Defense Command Headquarters will be moved to an unspecified location. All actions at Fort Totten to be completed by December 1966.

Port Washington: Navy Training Device Center will be declared excess and turned over to GSA for disposal by December 1965. Activity will be relocated to the Federal center at former Mitchel Air Force Base.

Rome: Supply mission at Rome air materiel area will be relocated to other Air Force depots by June 1967. The parent base, Griffiss Air Force Base, remains active.

Schenectady: Army's Schenectady-Voorheesville Depot will be declared excess and turned over to GSA for disposal by December 1966. Continuing supply missions will be relocated to other depots.

Staten Island: Army's Miller Field will be inactivated and activities relocated to the Lakehurst, N.J., Naval Air Station by June 1965. The property will be retained for Reserve training and other possible future use.

NORTH CAROLINA

Elizabeth City: Naval air facility will be declared excess and disposed of by January 1965.

OHIO

Port Clinton: Supply and maintenance mission at Erie Army Depot will be discontinued and relocated to other Army depots by December 1966. Test and proof-firing activities will be retained.

TEXAS

Fort Worth: Forth Worth Army Depot will be declared excess and turned over to GSA by December 1965. Supply and maintenance missions will be relocated to other Army depots.

San Marcos: Army's Camp Gary, now inactive, will be turned over to GSA for disposal by December 1964.

ADJOURNMENT

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate at this time, I move that, under the order previously entered, the Senate adjourn until tomorrow, at noon.

The motion was agreed to; and (at 2 o'clock and 59 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Thursday, January 16, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 15, 1964:

DIPLOMATIC AND FOREIGN SERVICE

Edwin M. Martin, of Ohio, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

C. Burke Elbrick, of Kentucky, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Yugoslavia.

DEPARTMENT OF DEFENSE

Cyrus Roberts Vance, of New York, to be Deputy Secretary of Defense, vice Roswell L. Gilpatric, resigned.

DEPARTMENT OF THE ARMY

Stephen Ailes, of the District of Columbia, to be Secretary of the Army, vice Cyrus Roberts Vance.

EXTENSIONS OF REMARKS

Welcome to President Segni of Italy

EXTENSION OF REMARKS

OF

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 15, 1964

Mr. ST. ONGE. Mr. Speaker, this afternoon it was our pleasure to have as the guest of the American people the distinguished President of Italy, His Excellency Antonio Segni, who delivered an eloquent address at a joint session of the U.S. Congress. President Segni spoke from the heart and as a sincere friend of the United States.

The relations between our country and Italy have for many years now been most cordial and at the highest level of friendship. There exists excellent cooperation between our two countries in dealing with common world problems, and there is a growing solidarity in the thinking and actions of the two nations. The invitation extended to President Segni by President Johnson to visit the United States, is, therefore, very timely and proper.

Italy was one of the original signatories of the North Atlantic Treaty Organization and has on various occasions joined with the United States in proposing measures to strengthen this alliance. It has contributed significantly to the mutual defense of the free world in general, and Western Europe and the United States in particular.

President Segni has taken a leading part in the achievements of his country in recent years. He is a firm believer in democratic principles and in Western unity, as evidenced by his address before Congress today. It was because of his dedication to such principles and his leadership ability that he was chosen to head the Republic of Italy and the people of Italy at this significant period in human events.

As such, we welcome President Segni as the distinguished spokesman of the Italian people and leading statesman of his nation. We want to assure him of

our continued friendship and cooperation in every effort to attain world peace, economic prosperity, and better understanding.

President Segni can well be proud of the millions of Italian immigrants who came to the United States, settled here, helped build our country to its present great heights of achievement, contributed to our economy and culture, and to the development of our democratic institutions. Americans of Italian origin have won the respect and esteem of all for their hard work, loyalty, and patriotism. They have helped to build this bridge of friendship with Italy which has brought both nations closer together.

Cordova Championship Football Team

EXTENSION OF REMARKS
OF
HON. CARL ELLIOTT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 15, 1964

Mr. ELLIOTT. Mr. Speaker, night before last the citizens of Cordova, Ala., in my home county of Walker, gathered to honor the 28 young men of the 1963 Cordova Blue Devil football team and the men who coached them to the Alabama State championship. The members of this team effectively combined physical prowess, skill, determination, sportsmanship, and hard work to produce a football team that won 9 games and tied the 10th, scoring a total of 265 points to their opponents 58. This outstanding team was named Walker County Champion, Wal-Win Conference Champion, and the AA champion football team of the State of Alabama. The members of the team are: Frankie Brown, Mike Franks, Donny Cordell, Terrell Foster, Larry Fowler, Ed Gilchrist, Ralph Gurganus, Terry Howell, Benny Huggins, Larry Hunt, Chris Hyche, John Ingram, Tommy Jean, Dwight Kirkpatrick, Ernie Laird, Mike Moncrief, Phillip Morrow, Tim O'Neil, Richard Perrin, Ed Pickrell, Bobby Russell, David Sargent, Guy Tatum, Jr., Clarence VanHorn, James Williams, Jimmy Barrentine, Teddy Sargent, and Junior Johnson. The team is ably coached by Wayne Grubb and Maury Fowler.

Mr. Speaker, we have become increasingly alarmed in recent years at the low standards of physical fitness of many of our young people. The statistics on the number of young men rejected by our Armed Forces because of failure to meet physical standards has been shocking.

I am proud of the striking contrast to this trend that has been evidenced by these young men of Cordova. Cordova is a town of 3,000 people. The area is a coal mining center, and is classified as an economically depressed area because of chronic unemployment. The young men of Cordova have not, however, succumbed to the softness that has resulted in too many physically unfit young men. They have not let the temporary economic problems of their area dampen their enthusiasm or their determination to excel.

I am proud of the academic standards of Cordova High School and I am proud of its athletic achievements. I congratulate the fine teachers and coaches at Cordova for their success in building the minds and bodies of these young people, and I congratulate the members of the student body for their pursuit and attainment of excellence.

I believe my colleagues in the Congress share my great faith in the future of America, secure in the knowledge that the farms, towns, and cities can produce as Cordova has produced, educated, physically fit young Americans who are eager to challenge tomorrow and determined to meet all the challenges that tomorrow may bring.

U.S. Interests Involved in Arab-Israel Water Controversy

EXTENSION OF REMARKS
OF
HON. EMANUEL CELLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 15, 1964

Mr. CELLER. Mr. Speaker, it is tragic, indeed, for the Arab people that its leaders have chosen to disregard cruelly the welfare of their own people and have concentrated solely on their enmity toward Israel. The avowed purpose of the Nasser-inspired Arab military accord of 13 Arab States is the downfall of Israel. All efforts to resolve peaceably the Jordan River disputes have been unavailing. The Arab leaders remain intransigent despite the fact that a plan has been worked out for the use of the water of the Jordan River which would bring decided economic advantages to both the people of the Arab States and to the people of Israel. It is obvious that the wish to hurt Israel takes precedence in the minds of the Arab politicians over concern for the well-being and economic development of the Arab people.

Moreover, grave dangers to the peace in the Middle East lurk in the accord reached by Arab heads of state to set up an allied military command with permanent headquarters and a separate staff and budget to deprive Israel of water from the Jordan.

The United States has a great interest in peace in the Middle East, and it would be most advantageous to our own self-interest were President Johnson to send his representative to Arab leaders to express the concern of the United States. In doing so, the President will be following an action parallel to that which he took when he gave Attorney General Kennedy his recent sensitive assignment.

Certainly the Arab leaders must be aware that Congress spoke most forcibly when enacting the foreign aid bill. The House report on foreign aid states:

> Consideration should be given to the withholding of economic assistance from those countries which persist in policies of belligerence and in preparations for their execution.

The act itself states:

> (1) No assistance shall be provided under this or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which the President determines is engaging in or preparing for aggressive military efforts directed against—
> (1) the United States,
> (2) any country receiving assistance under this or any other Act, or
> (3) any country to which sales are made under the Agricultural Trade Development and Assistance Act of 1954, until the President determines that such military efforts or preparations have ceased and he reports to the Congress that he has received assurances satisfactory to him that such military efforts or preparations will not be renewed. This restriction may not be waived pursuant to any authority contained in this Act.

No language can be clearer and no warning more specific.

Provide Medical Care for Senior Citizens

EXTENSION OF REMARKS
OF
HON. JACOB H. GILBERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 15, 1964

Mr. GILBERT. Mr. Speaker, hospital care for our senior citizens is one of the most vital problems of our Nation today. It is my earnest hope that this session of Congress will recognize the health needs of our senior citizens, and pass necessary legislation to assist them. Following are my remarks before the Committee on Ways and Means which has this legislation under consideration:

Mr. Chairman and members of the Committee on Ways and Means, I am grateful that your committee is considering the King-Anderson bill, to provide under the social security program for payment for hospital and related services to aged beneficiaries. Ever since coming to Congress, I have introduced legislation to provide medical aid for senior citizens under the social security program. Early in this session of Congress, I introduced a bill identical with the King-Anderson bill, to show my strong support.

You have before you the report of the Subcommittee on Health of the Elderly, of the Senate Special Committee on Aging. This shows that after 3 years of operation, the Kerr-Mills medical assistance for the aged program has proved to be at best an ineffective and piecemeal approach to the health problems of the Nation's 18 million older citizens. It is still not a national program. Stringent eligibility tests, recovery provisions, and responsible relative provisions have severely limited participation in the 28 States where it is in operation. Such provisions not only are disruptive of familial relationships, but also deter many proud people from seeking the care they need because they do not wish to involve their families.

The help provided by the King-Anderson bill constitutes the only intelligent, realistic, and responsible method of meeting the desperate medical need faced by our senior citizens. Reports show that our aged are unable to afford health insurance or are considered too poor a risk. Although a small

percentage carry some hospital insurance, it usually falls far short of meeting the high costs of lengthy illnesses. The aged are forced to apply to public or private welfare agencies for payment of medical bills or to seek free care from hospitals and physicians. Rather than submit to either of these alternatives, many neglect their health and do not seek the care they desperately need. Our Nation is the richest on earth; how can we continue to force such indignities upon our senior citizens; how can we ignore the sufferings of those denied medical help?

Our fellow citizens do not wish to sit back and wait for sickness to strike and then have to ask for help through public assistance programs. They dread the thought of having to ask for charity. They are anxious to participate in a program which will assure them of their independence in dealing with the high costs of medical care. They prefer to earn the benefits which will safeguard them in their old age and keep them off the public assistance rolls. We pride ourselves in this Nation on respect for the dignity of human beings; to tell our older citizens that we will take care of them, somehow, under welfare programs or the Kerr-Mills program which is meant to help only the "medically indigent" aged, is an insult to them and is inconsistent with our dedication to the improvement in the general welfare of all our citizens.

You have statistics before you which show that there are 18 million Americans aged 65 and up—8.7 percent of the population. These persons require three times as much hospital care as those who are younger, and health costs average twice that of younger persons. Yet their income is only about one-third of that of younger persons. Senior citizens today can barely afford the necessities of life; adequate medical care costs are prohibitive. Studies show clearly that most retired persons cannot pay hospital expenses from income, nor can they afford to buy adequate insurance. Those plans which are reasonable enough for any substantial number of the aged to afford can provide only severely limited benefits. It is reported that nearly a million of our elderly people have had their life's savings wiped out by high medical and hospital costs.

The American Medical Association, this program's bitterest foe, continues to lobby vigorously against this legislation. I recognize that the battle we face to secure passage of this bill is a tough one, but I insist that it must be won.

Hospitalization is the costliest part of old-age medical care; therefore, a program that will bring medical care within reach of the aged, by covering most in hospital and related costs, is urgently needed. Under social security, people will be enabled to pay for their protection during the time they can best afford to contribute, while they are working. Necessity of a means test is avoided; benefits are available as a matter of right. Elderly persons would be assured of proper care, and a great burden would be lifted from their children.

There is overwhelming evidence before your committee to show that adequate health insurance protection could be provided for the aged more economically through social security than under any other plan or program.

I have received many hundreds of pathetic letters from my constituents in which they describe their great need for medical attention and their inability to secure it under existing conditions, or their reluctance to ask for help because of an embarrassing means test and the hardships which will be inflicted on their families. Others live in fear of the day when they will have to meet the problem. How sad it is that our senior citizens must spend their last years in this troubled and unhappy frame of mind when they are entitled to retirement years filled with peace of mind.

How tragic it is that with the extensive proof which has been made available to your committee, showing the grave need which exists for the King-Anderson bill and proving the desirability of providing hospital care under the social security program, there has been so much delay in considering the bill. Millions of persons are begging for approval of the bill by your committee and passage by the Congress. I have been pleading for years to have the opportunity to vote on the measure, as have all other Members of Congress who have the interests of our senior citizens at heart.

I can no longer treat this major problem of our senior citizens with equanimity; I cannot dismiss their sufferings and hardships from my mind and make no effort to help them; I cannot, in answer to their pleas for desperately needed help, vaguely wave them in the direction of public welfare or financial ruin and further deprivations.

Congress must take favorable action on this grave problem now. Our senior citizens deserve this consideration. Millions of letters, thousands of editorials, speeches, reports, all point up the need for the King-Anderson bill, and our responsible citizens are demanding that Congress meet its responsibility without further delay and pass the bill.

I urge your committee to heed these requests and report the bill favorably, so that Congress may have the opportunity to take action in the near future. There has already been unconscionable delay in connection with this legislation and the promises made to senior citizens that they would be given this relief must now be fulfilled.

Smoking and Health

EXTENSION OF REMARKS
OF
HON. CARLTON R. SICKLES
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 15, 1964

Mr. SICKLES. Mr. Speaker, on January 12, Dr. Luther Terry, the Surgeon General of the United States, made public the report of a special Advisory Committee on Smoking and Health. The report was prepared over a 14-month period by 10 private scientists, all experts in their respective fields. In writing the report, the scientists reviewed over 8,000 existing studies on different aspects of smoking and health. The Committee reached the conclusion:

In view of the continuing and mounting evidence from many sources, it is the judgment of the Committee that cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate.

They also concluded that the health hazard of smoking is of sufficient importance to warrant appropriate remedial action.

The findings of this report will, of course, be of great interest to every doctor in this country, and to the 70 million Americans who smoke regularly. In this country, roughly two-thirds of the men and almost one-third of the women over 18 smoke regularly.

There are many questions regarding what the effect of this report will be. The Tobacco Institute has suggested that there will be a temporary slowdown in cigarette consumption.

Regarding cigarette consumption, it is interesting to note that in the year 1900 the per-person consumption of cigarettes was about 50 a year. By 1963, it had risen to about 4,000 cigarettes per year per person.

In considering what the possible effects of the Government report will be, I think the experience in Great Britain is meaningful. In March of 1962, the Royal College of Surgeons made a report reaching conclusions similar to the Advisory Committee of the Surgeon General. Yet, cigarette consumption in England fell off only 3 percent in 1962, and set a record in 1963. This occurred despite Government efforts to educate the public regarding the hazard of smoking and restrictions on smoking advertisements aimed at young people.

U.S. Government officials concerned with health have a responsibility to put the facts on this issue before the public. Because this is such a strong and widespread habit, and, as the report stated, provides such a "psychological crutch" to Americans, it is unlikely that people will abruptly quit smoking, barring basic changes in the nature of us all.

Legislation will probably be considered by the Congress regarding the labeling of cigarettes, and cigarette advertising, but it seems to me that it would be unwise to try and legislate this habit out of existence and repeat the fiasco of our prohibition era.

What is definitely needed is intensified research on how tobacco products and tobacco smoke can be modified to reduce any harmful effects. There is a great deal more to be known about this subject. The tobacco industry, the Government, and private researchers must accelerate their efforts to identify and remove hazardous components. In the last 10 years, the tobacco industry has sponsored over $7½ million in research to accomplish this. The Federal Government spends about $1½ million each year on tobacco-related research. These efforts must be intensified. Experts in the field have indicated that the ultimate development of less harmful cigarettes is feasible.

Studies should also be made by the Government, the tobacco industry, and economists regarding the possible economic effects if there was a reduction in tobacco consumption. At the present time, tobacco is the Nation's fifth largest cash crop. It supports an $8 billion business. Over 700,000 farm families are engaged in tobacco production and tobacco factories employ almost 100,000 people. In addition, there is a huge retail and wholesale business supported by tobacco, and over 300,000 Americans hold stock in tobacco companies. The industry spends over $170 million a year on advertising, including $134 million in television alone.

In southern Maryland, over 6,000 farm families are engaged in tobacco production, and the $20 million tobacco crop is the No. 1 farm cash crop in Maryland,

ranking ahead of soybeans, corn, and wheat. One possible economic answer is diversification within the tobacco industry. Philip Morris, for example, is already doing this, with over 20 percent of its income coming from the production of razor blades, scissors, and packages. Last, but not least, a final important economic consideration cannot be overlooked. At the present time, the tobacco industry pays over $3 billion a year in taxes, $2 billion of which goes to the Federal Government, and $1 billion to the State. A drop in these revenues would certainly affect all citizens. It is clear that much more research is vitally needed, and the current Federal efforts in this field must be expanded.

SENATE

THURSDAY, JANUARY 16, 1964

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

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

Almighty and everlasting God: At morning and evening and noonday, in Thy light, we would see life steadily and, seeing it whole, discern in it Thy purpose for us and for all Thy children.

Thou art revealed to us in the order of the world in which we live, in the beauty which opens vistas in a world beyond our senses. We find Thee in the truth our minds discover and, above all, in spiritual life as we touch it in the noblest sons of men.

Thou knowest the lure of temptation to be less than our best; Thou understandest the drain of our daily work and the limitations of our strength. In all our relationships with our fellows, grant us, we pray Thee, the grace of meekness and the power of self-control. Remove far from us all hypocrisy and pretense. Help us this day to speak only such words and to do only such things as will leave no regret at the setting of the sun.

As we lift up our hearts for divine help, in these days that baffle our human wisdom and discernment, come down the secret stairs by which Thou canst enter every contrite heart, for Thou hast taught us that out of the heart are the issues of life.

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

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, January 15, 1964, was dispensed with.

ATTENDANCE OF A SENATOR

WINSTON L. PROUTY, a Senator from the State of Vermont, attended the session of the Senate today.

MESSAGES FROM THE PRESIDENT

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1057) to promote the cause of criminal justice by providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1604) to amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the transfer of producer rice acreage allotments, and it was signed by the President pro tempore.

LIMITATION OF DEBATE DURING MORNING HOUR

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

EXECUTIVE SESSION

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

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

EXECUTIVE MESSAGES REFERRED

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

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

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Joseph W. Barr, of Indiana, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

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

FEDERAL TRADE COMMISSION

The Chief Clerk read the nomination of John R. Reilly, of Iowa, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1962.

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

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

On motion of Mr. HUMPHREY, and by unanimous consent, the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

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

APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

APPROPRIATIONS FOR THE ARMED FORCES

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize appropriations during fiscal year 1965 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORT OF FEDERAL AVIATION AGENCY

A letter from the Deputy Administrator, Federal Aviation Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency, for the fiscal year 1963 (with an accompanying report); to the Committee on Commerce.

AMENDMENT OF PEACE CORPS ACT

A communication from the President of the United States, transmitting a draft of proposed legislation to amend further the Peace Corps Act (75 Stat. 612), as amended (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED CONCESSION CONTRACT IN GRAND CANYON NATIONAL PARK

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract to authorize Dr. Watson M. Lacy to continue to provide medical, surgical, and hospital services for the public on the south rim of Grand Canyon National Park (with accompanying papers); to the Committee on Interior and Insular Affairs.