SENATE

TUESDAY, SEPTEMBER 8, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

God of all wisdom: Away from the confusion of tongues, we turn to this quiet pavilion of prayer. For this searching moment, may the bewildering voices of the world about us and the clamor of wordy arguments be hushed.

We would yield ourselves to Thee as we are, with all our failures and our ignorance and our self-will, and yet with the climbing aspirations of our better nature.

Make us honest and honorable enough to bear the vision of the truth, wherever it may lead; to cast away all pretense, together with the pettiness of our spirits and the craven fear of our hearts.

Break down the narrow boundaries of our minds that shut out so much more than they shut in. Teach us the value of beauty of heart and of brain in any strand of our common humanity, that we may become workers, together with Thee, in binding the races of men into the perfect unity that will yet belt the earth with good will when Thy radiant kingdom comes.

In the name of Christ Jesus, our Lord, we ask it. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 3, 1964, and Friday, September 4, 1964, was dispensed with.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILL SIGNED

Under the authority of the order of the Senate of September 3, 1964, the Secretary of the Senate reported that on Friday, September 4, 1964, he received a message from the House of Representatives which announced that the Speaker had affixed his signature to the enrolled bill (S. 1123) to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes, and it was signed by the Acting President pro tempore.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of September 3, 1964, the following reports of a committee were submitted:

On September 3, 1964:

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

H.R. 10204. An act to extend the Osage mineral reservation for an indefinite period (Rept. No. 1525).

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

H.R. 11162. An act granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky (Rept. No. 1526).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with amendments:

S. 3035. A bill to provide for the disposition of judgment funds now on deposit to the credit of the Red Lake Band of Chippewa Indians (Rept. No. 1522).

By Mr. CHURCH (for Mr. JACKSON), from the Committee on Interior and Insular Affairs, with an amendment:

S. 3079. A bill to provide for the disposition of judgment funds on deposit to the credit of the Quinaielt Tribe of Indians (Rept. No. 1523).

By Mr. CHURCH (for Mr. JACKSON), from the Committee on Interior and Insular Affairs, with amendments:

S. 3114. A bill to provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington, through a drainage and diking district formed under the laws of the State (Rept. No. 1524).

On September 4, 1964:

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

H.R. 3396. An act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes (Rept. No. 1527); and

H.R. 7096. An act to authorize the exchange of certain property at Independence National Historical Park, and for other purposes (Rept. No. 1529).

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3143. A bill to designate as Clair Engle Lake the reservoir created by the Trinity Dam, Central Valley project, California (Rept. No. 1528).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT OF CORREGIDOR-BATAAN MEMORIAL COMMISSION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 360)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of Public Law 193, 83d Congress, as amended, I hereby transmit to the Congress of the United States the Eleventh Annual Report of the Corregidor-Bataan Memorial Commission for the fiscal year ended June 30, 1964.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 8, 1964.*

REPORT OF OFFICE OF MINERALS EXPLORATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I transmit herewith the Twelfth Semiannual Report of the Office of Minerals Exploration from the Secretary of the Interior as prescribed by section 5 of the act of August 21, 1958, entitled "To provide a program for the discovery of the mineral reserves of the United States, its territories and possessions by encouraging exploration for minerals, and for other purposes."

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 8, 1964.*

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. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, 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 and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. MATTHEWS, Mr. HOEVEN, and Mr. DAGUE were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 1642. An act to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide for the establishment of a new station, and for other purposes; and

H.R. 6601. An act to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

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

H.R. 12033. An act to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes; and

H.R. 12362. An act to amend the Railroad Retirement Act of 1937 to eliminate the provisions which reduce the annuities of the spouses of retired employees by the amount of certain monthly benefits payable under title II of the Social Security Act.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to

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the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 27. An act to provide for establishment of the Canyonlands National Park in the State of Utah, and for other purposes;

H.R. 1642. An act to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide for the establishment of a new station, and for other purposes;

H.R. 6601. An act to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes; and

H.R. 10809. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Labor and Public Welfare:

H.R. 12033. An act to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes; and

H.R. 12362. An act to amend the Railroad Retirement Act of 1937 to eliminate the provisions which reduce the annuities of the spouses of retired employees by the amount of certain monthly benefits payable under title II of the Social Security Act.

ORDER DISPENSING WITH CALL OF CALENDAR

On request by Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar, under rule VIII, was dispensed with.

LIMITATION OF STATEMENTS DURING MORNING HOUR

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

ACCOMPLISHMENTS OF THE 88TH CONGRESS

Mr. MANSFIELD. Mr. President, an article about the record of the 88th Congress was published in last Sunday's New York Times. Written by E. W. Kenworthy, who has done a highly competent and faithful job of reporting congressional activities for many years, the article examines and evaluates the accomplishments of this Congress, and then discusses the role this record will play in the campaign for the Presidency.

Mr. Kenworthy points out that Republicans as well as the Democrats have helped make this the most productive Congress since the first 4 years of the New Deal. This record of accomplishment would not have been possible without the cooperation and good sense of Members of both parties and the restraint and consideration which characterized even those who found themselves in opposition on one piece of legislation or another. In that respect, this record which Mr. Kenworthy finds exceptional is the work of every Member of Congress.

Mr. President, I ask unanimous consent to have the article referred to printed in the RECORD.

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

[From the New York Times, Sept. 6, 1964]

THE CONGRESS RECORD—THE RECORD OF THE 88TH WILL BE USED IN DIFFERENT WAYS BY THE DEMOCRATS AND THE REPUBLICANS

(By E. W. Kenworthy)

WASHINGTON, September 5.—The record of the 88th Congress is nearly complete and by any disinterested standard it is quite a record.

As Congress adjourned for the Labor Day weekend, only three roadblocks stood in the way of the campaign trail—the Dirksen rider to the foreign aid bill, which would delay further reapportionment of State legislatures; the Senate-passed social security-elderly health care bill, which faces an uncertain fate in conference with the House, and the Appalachia bill.

Despite the monumental achievement of the nuclear test ban treaty in 1963, historians will hardly rank this Congress with either the 80th or 81st in foreign affairs. The years 1947–50 encompassed Greek-Turkish aid, the Truman doctrine, point 4, the Marshall plan, and the creation of the North Atlantic Treaty Organization—all epochal departures in American foreign policy.

Nevertheless, a Congress that has to its credit the test ban treaty, the college construction act, tax reduction, the civil rights law, land conservation and wilderness bills, the mass transit bill, and the omnibus antipoverty bill (to name only the outstanding legislation) can justifiably lay claim to being the most productive Congress since President Franklin D. Roosevelt's first term.

In 1948, President Harry S. Truman inveighed at every whistlestop against "that Republican do-nothing 80th Congress" (a charge that could be supported only in domestic affairs) while the crowds listened in attentive silence. It was a vote-getting issue if the unexpected election returns are any judge.

ON THE STUMP

In a couple of weeks, President Lyndon B. Johnson and his running mate, Senator HUBERT H. HUMPHREY, will be on the stump lavishing praise on the "do something" 88th Congress, which fell in behind the "can do" leadership of the Kennedy-Johnson administration.

Can President Johnson and Senator HUMPHREY find in legislative achievement as productive an issue as Mr. Truman found in a "do nothing" Congress? Under ordinary circumstances, they probably could not. But the circumstances are not ordinary.

Obviously the record of 88th—especially since Mr. Johnson became President—is a campaign plus for him since it confirms and embellishes the public image, first established as Senate majority leader, of a superb political craftsman, of a man who has mastered the art of getting other men to do his bidding.

Obviously, too, there are many voters who will pull the lever for the Democratic ticket in gratitude for some piece of legislation sponsored by the administration—whether it be the civil rights bill, the tax cut, health care for the aged, or the wilderness bill.

Nevertheless, many voters have only a general interest in, and appreciation of, a legislative record when they come to make a decision between candidates for President, as contrasted with a decision between candidates for the House or Senate.

In a presidential election, they tend to be moved more by the personality of the candidates, or by their own predilections. In selecting a Representative or Senator, however, they are likely to pay much more attention to his legislative record—a truth amply demonstrated by the care taken by Members of Congress to be recorded on key votes.

Generally speaking, then, a presidential candidate who is a White House incumbent will find it profitable to celebrate only the outstanding legislative achievements of his administration in campaign speeches. Nothing so glazes the eyes of his audience as a recital of bills passed.

CONGRESS

In fact, President Truman made considerably more hay out of the repudiation of his domestic program by the Republican-controlled 80th Congress than he ever could have made by their cooperation in a legislative record. Very wisely, the Democratic Congresses under the control of the late Speaker Sam Rayburn and then Senate Majority Leader Johnson deprived President Eisenhower of this advantage by giving him, on several occasions, more support than he got from his own party.

For the most part, the Republicans of the 87th and 88th Congresses did not repeat the error of those in the 80th. Their votes saved some of the most important administration measures.

Take, for example, the bill to bail the United Nations out of its financial straits by the purchase of bonds, which passed the House by 257 to 134, and the Senate by 77 to 22. In the House, 66 Republicans voted for the bill and 88 against. In the Senate, 22 Republicans voted for it and only 11 against.

Or the nuclear test ban treaty, which passed the Senate 80 to 19, with 25 Republicans supporting it and only 8 opposing it.

Or the civil rights bill, which cleared the House last February by 290 to 130, with 138 Republicans voting for it and only 34 against, as compared to 152 Democrats for it and 96 against. In the Senate, the Republicans supplied the critical votes needed for cloture and 27 of 33 Republicans voted for the bill.

On the tax cut: although many Republicans huffed and puffed against a reduction unaccompanied by matching cuts in spending, House Republicans voted for it 108 to 63 on final passage and Senate Republicans approved it 21 to 9.

IRONY

Now comes the irony in the present campaign. It lies in the fact that the Republicans cannot claim their fair share of the credit for passage of the above measures without repudiating their own presidential nominee. For Senator BARRY GOLDWATER voted against the majority of Senate Republicans on each of the four bills. And so he has on many other issues, a notable exception being this week's vote on health care.

The upshot is that President Johnson and Senator HUMPHREY can make an issue where, except for the nomination of Mr. GOLDWATER, no issue existed. Consequently the record of the Congress has assumed a campaign potency that it would not otherwise have had.

Mr. HUMPHREY, in his acceptance speech with the recurrent refrain "but not Senator GOLDWATER," has shown how that record will be exploited. His appeal, directed at "moderate" or "responsible" Republicans, was against the man who went against his party majority in Congress on the preeminent issues.

Moreover, the view here is that Senator GOLDWATER's votes have put those colleagues who voted with the Republican majority at a severe disadvantage in campaigning for him. Either they must repudiate their own votes and attribute to him a higher wisdom, or they must seek refuge in equivocation or silence.

DIFFICULT CHOICE

For example, it is asked, how can Senator EVERETT MCKINLEY DIRKSEN and those who followed his lead on the United Nations bond issue and the Nuclear Test Ban Treaty say convincingly to the voters (in the words of the billboard at Atlantic City) "in your heart you know he's right."

Mr. DIRKSEN, it is recalled, did not think Mr. GOLDWATER right in 1962 when he changed Republican votes on the U.N. bond bill with these words spoken with deep feeling:

"Mr. President, I will not charge my conscience with any act or deed which would contribute to the foundering of the United Nations, because I do not know how I would be able to expiate that sin of commission to my grandchildren."

Nor is it believed that Mr. DIRKSEN now thinks he was wrong in 1963 when, after some heart searching, he pleaded with his colleagues to vote for the Test Ban Treaty:

"I want to take a first step, Mr. President, I am not a young man. * * * One of my age thinks about his destiny a little. I should not like to have it written on my tombstone, 'he knew what happened at Hiroshima, but he did not take a first step.' "

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON COMMISSARY AND MESSING FACILITIES OPERATIONS

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting, pursuant to law, a report on the commissary and messing facilities operations, for fiscal year 1964 (with an accompanying report); to the Committee on Appropriations.

REPORTS OF EXPORT-IMPORT BANK OF WASHINGTON ON GUARANTEES OF CERTAIN TRANSACTIONS

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on the issuance by that Bank, on August 28, 1964, of guarantees with respect to certain transactions; to the Committee on Appropriations.

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on the issuance by that Bank, on September 1, 1964, of guarantees with respect to certain transactions; to the Committee on Appropriations.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Administrator, Veterans' Administration, Washington, D.C., reporting, pursuant to law, on the overobligation of an appropriation in that Administration; to the Committee on Appropriations.

REPORT ON RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS

A letter from the Deputy Chief of Naval Material (Material and Facilities), transmitting, pursuant to law, a report on research and development procurement action of $50,000 and over, for the 6-month period ended June 30, 1964 (with an accompanying report); to the Committee on Armed Services.

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

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on the number of officers on duty with Headquarters, Department of the Army and Army General Staff, as of June 30, 1964 (with an accompanying report); to the Committee on Armed Services.

REPORTS OF COMPTROLLER GENERAL

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on opportunity for reducing Federal expenditures and effecting savings under the cotton price-support program by deterring the movement of cotton over long distances prior to its placement under price-support loan, Commodity Credit Corporation, Department of Agriculture, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on increased costs resulting from ineffective use of automatic data processing system in supply management at the Philadelphia Naval Shipyard, Philadelphia, Pa., Department of the Navy, dated August 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs resulting from the purchase and use of paint products in uneconomical-size containers, Department of Defense, dated August 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on deficiencies in the administration of the Navajo Indian Reservation road construction program in the States of Arizona and New Mexico, Bureau of Indian Affairs, Department of the Interior, dated August 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary cost to the Government through the leasing of electronic data processing systems by Lear Siegler, Inc., Instrument Division, Grand Rapids, Mich., Department of Defense, dated August 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON FINAL CONCLUSION OF CERTAIN INDIAN CLAIMS

A letter from the Chief Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, on the final conclusion of certain Indian claims (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON TORT CLAIMS PAID BY FEDERAL AVIATION AGENCY

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Agency, during the fiscal year 1964 (with an accompanying report); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

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

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Allen Frank McCarthy, also known as Allen Frank Pringel, from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on June 1, 1963 (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Mariana Islands District Legislature; to the Committee on Interior and Insular Affairs:

"RESOLUTION 29–1964

"Resolution relative to expressing the views of the people of the Mariana Islands District, through their duly constituted body, the Mariana Islands District Legislature, that the capital of Micronesia be officially on Saipan

"Whereas the 1964 United Nations Visiting Mission in its report recommended that Truk is more suitable for the site of the capital of Micronesia; and

"Whereas the traditional concept of selecting the capital is a matter of geographical choice in that it attempts to put the capital in the center of a particular sovereign state but such a concept may not be practical in all instances; and

"Whereas Saipan with the existing physical facilities involving an immense investment of dollars and the land area for further expansion appears to be a better choice for the capital of Micronesia: Now, therefore, be it

"Resolved by the Mariana Islands District Legislature, That it expresses the views of its constituents that Saipan officially be the capital of Mirconesia; and be it further

"Resolved, That copies of this said resolution be hereafter transmitted to the President of the United States, President of the Senate, Speaker of the House of Representatives, Secretary of the Department of the Interior, chairman of the Trusteeship Council, the High Commissioner, and the chairman, Council of Micronesia."

A resolution adopted by the Legislative Commission of the State of Nevada, relating to reapportionment of State legislatures; to the Committee on the Judiciary.

A resolution adopted by the Atchison-Holt Electric Cooperative, of Rock Port, Mo., praying for an immediate initiation of an amendment to the Constitution of the United States, which would specifically exclude the question of apportionment of State legislatures from the Federal courts; to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HAYDEN, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 6233. An act to provide for the conveyance of certain land of the United States to the Pascua Yaqui Association, Inc. (Rept. No. 1530).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. NELSON (for himself, Mr. HART, and Mr. RANDOLPH):

S. 3173. A bill to amend title 23 of the United States Code (relating to highways)

in order to authorize appropriations to assist the States in the purchase of lands and easements for scenic purposes along Federal-aid highways; to the Committee on Public Works.

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

By Mr. DOUGLAS (for himself, Mr. SPARKMAN, Mr. FULBRIGHT, Mr. PROXMIRE, Mr. PELL, Mr. JAVITS, Mr. MILLER, and Mr. JORDAN of Idaho):

S. 3174. A bill to amend section 5 of the Employment Act of 1946; to the Committee on Banking and Currency.

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

By Mr. MAGNUSON (by request):

S. 3175. A bill to amend the Federal Aviation Act of 1958, as amended, to prohibit citizens of the United States from performing pro rata charters unless authorized by the Civil Aeronautics Board, and for other purposes; to the Committee on Commerce.

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

By Mr. FULBRIGHT (for himself, Mr. FONG, and Mr. INOUYE) (by request):

S.J. Res. 199. Joint resolution to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952; to the Committee on Foreign Relations.

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

ASSISTANCE TO STATES IN THE PURCHASE OF LANDS AND EASEMENTS FOR SCENIC PURPOSES ALONG FEDERAL-AID HIGHWAYS

Mr. NELSON. Mr. President, there is a growing realization that scenic highways represent not only an esthetic heritage but also a great economic asset to our States.

Recent studies indicate that pleasure driving and sightseeing are far and away the most popular outdoor recreation activities engaged in by Americans.

The preservation of the natural beauty along our Nation's roads and highways, however, has been almost entirely neglected. It has been left to the happenstance of commercial development and subdivision.

It is with this in mind that I send to the desk a bill to provide $10 million a year in Federal 50–50 matching grants to aid and encourage States willing to move vigorously on this crucial conservation front.

A study in Wisconsin shows that pleasure driving and sightseeing accounted for 114 million visits to the outdoors in a recent year. Swimming, the second most popular activity, accounted for only 31 million visits.

Tourism is already very big business indeed. Estimates by the Wisconsin State Department of Resource Development for outdoor recreation expenditures run between $750 million and $1 billion annually. Gov. Otto Kerner, of Illinois, estimates gross receipts from tourist business at the $1 billion mark.

Scenic highways and places of historical interest, the "capital" for the tourist business, are getting increasing formal attention. Not only National and State parks, we are coming to understand, but also the beauty along our State and county roads must be viewed as a precious asset to be husbanded and developed.

A year-long Federal study of the scenic highway situation is now underway by the Recreation Advisory Council. The Council is made up of the Secretaries of Interior, Agriculture, Commerce, Defense, Health, Education, and Welfare, and the Housing and Home Finance Administration Administrator.

Progress is finally accelerating along the Great River Road, a scenic highway first conceived before the Second World War, that runs from the delta of the Mississippi, up the storied river valley and around Lake-of-the-Woods in Canada.

California, in 1963, set aside by statute 4,900 miles of her State roads as "scenic highway."

And, under the public relations, promotion and organizational patronage of the American Petroleum Institute, six well-publicized scenic routes have been laid out across the country from the Old West Trail in the Western Mountain State to New England's Heritage Trail on the east coast.

All of the Petroleum Institute trails have drawn heavy traffic. Governor Kerner, speaking at the dedication ceremonies for a new loop on the Hiawatha Pioneer Trail at Galena, Ill., this summer, credited a second scenic road—the Lincoln Heritage Trail—with promoting $1 million in new business for Illinois, and bringing 50,000 new visitors to New Salem alone.

The very success of these ventures can be their undoing unless we act soon. The increased traffic will bring expanded commercial development. Increased commerce, of course, is a main purpose for these roads. But uncontrolled strip development, glaring neon jungles by night and shabby shake-and-burger palaces by day can very quickly turn a lovely stretch of road into one you would just as soon avoid.

The Great River Road is a prototype of what can be done. The idea, ratified by Congress in 1951, was for a scenic route made by connecting and marking existing roadways, but with the scenic values preserved through the purchase of scenic easements.

When a State buys a scenic easement it, in effect, buys the esthetic—and tourist—value of a piece of land while leaving the title in the hands of the owner—and the land on the tax rolls.

If the land is agricultural the easement will not interfere in any way with the farmer's routine. But it will prevent billboards and runaway commercial development.

Wisconsin is very proud of its roll in the development of the Great River Road. It began to acquire scenic easements along the route soon after 1950. In the legislation passed while I was Governor, Wisconsin established a $50 million, 10-year conservation and recreation land acquisition program. Of this, $2 million were allotted for scenic easements with those along the Great River Road given top priority.

Easements have not been purchased along nearly half of the 255 miles of the scenic route in Wisconsin at a cost of a little over $230,000.

Wisconsin enjoys a long tradition of progressive State legislation. Our conservation program, financed by a penny-a-pack increase in cigarette taxes is unique in the Nation. Nowhere else along the Great River Road route has easement acquisition moved very far past the planning stages.

In a May hearing before the Senate Public Works subcommittee I made a plea for the passage of a bill, S. 1672, that would provide $4 million in Federal funds for easements along the Great River Road.

However, the legislation did not receive administration support. Rex M. Whitton, Federal Highway Administrator, pointed out, in his testimony, that there is already in Federal law provision for scenic easement purchase.

He was right. This can be found in section 319 of the Highway Code—chapter 23, United States Code. It has been on the books since 1940, but it has never actually been used.

Section 319 provided that a State may use up to 3 percent of its Federal highway aids for the purchase of scenic easements, waysides, and rest areas.

Harvey O. Grasse, chairman of the Wisconsin State Highway Commission, explained at the hearing why the section has not been used:

> Wisconsin, together with the other States, is so hard pressed for construction funds that it cannot afford to use the 3 percent for any other purposes. The 3 percent is not additional Federal aid; it is merely a permitted use of regular apportionments for roadbuilding. Every bit of our Federal-aid funds must be carefully husbanded and, even so, our available funds are far short of meeting our current construction needs.

Minnesota is now applying to use section 319 funds. In a letter to me, Acting Minnesota Highway Commissioner M. E. Hermanson said that the State was acting because of the speed necessary to preserve the majestic Mississippi Bluffs just north of the Iowa line beside the River Road. State law, he said, does not allow the spending of any State funds for scenic easements.

Does Minnesota have sufficient State highway construction funds? No. In fact, they are so short that contract letting must come to a halt at the end of each fiscal year, June 30, by which time the State has exhausted all available Federal aids.

The distinguished Senator from West Virginia [Mr. RANDOLPH] pointed out at the Great River Road hearing that the mountain roads of his State, also valuable as tourist attractions, suffer from junkyards and random commercial development. He suggested that some sort of cooperative Federal-State arrangement might be possible to encourage scenic easement acquisition, not only along the River Road but in all States.

The bill I am introducing today is designed to do just that.

It would amend section 319 of the highway code to provide an alternative

to the 3 percent of Federal aids method of financing scenic easements. It would authorize $10 million annually from general revenues to match on a dollar-for-dollar basis State appropriated money for the purchase of scenic easements.

Administration of the law would be left to the Secretary of Commerce.

I introduce the bill on behalf of myself, the Senator from Michigan [Mr. HART], and the Senator from West Virginia [Mr. RANDOLPH].

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

The bill (S. 3173) to amend title 23 of the United States Code (relating to highways) in order to authorize appropriations to assist the States in the purchase of lands and easements for scenic purposes along Federal-aid highways, introduced by Mr. NELSON (for himself, Mr. HART, and Mr. RANDOLPH), was received, read twice by its title, and referred to the Committee on Public Works.

AMENDMENT OF SECTION 5 OF THE EMPLOYMENT ACT OF 1946

Mr. DOUGLAS. Mr. President, for myself, and Senators SPARKMAN, FULBRIGHT, PROXMIRE, PELL, JAVITS, MILLER, and Mr. JORDAN of Idaho, all Senate members of the Joint Economic Committee, I introduce a minor bill to amend section 5 of the Employment Act of 1946. This amendment is a purely technical one to bring the language of authorization of operating funds into conformity with the practice generally followed by Senate committees. The amendment contemplates no increase in expenditures. The fact is that the committee has in recent years been successful in reducing its budget. This amendment means that in future years expenses will be limited to the amount justified to and approved by the Appropriations Committees of the House and Senate.

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

The bill (S. 3174) to amend section 5 of the Employment Act of 1946, introduced by Mr. DOUGLAS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

AMENDMENT OF FEDERAL AVIATION ACT OF 1958, RELATING TO THE PERFORMANCE OF PRO RATA CHARTERS

Mr. MAGNUSON. Mr. President, by request, I introduce for appropriate reference a bill to amend the Federal Aviation Act of 1958, as amended, to prohibit citizens of the United States from performing pro rata charters unless authorized by the Civil Aeronautics Board, and for other purposes. I ask unanimous consent that the letter from the Chairman of the Civil Aeronautics Board, requesting the proposed legislation, together with a statement of purpose and need for the bill, a section-by-section analysis, and a comparison with existing law, be printed in the RECORD.

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

The bill (S. 3175) to amend the Federal Aviation Act of 1958, as amended, to prohibit citizens of the United States from performing pro rata charters unless authorized by the Civil Aeronautics Board, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, statement of purpose, analysis, and comparison presented by Mr. MAGNUSON are as follows:

CIVIL AERONAUTICS BOARD,
Washington, D.C., August 19, 1964.

Hon. CARL HAYDEN,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "to amend the Federal Aviation Act of 1958, as amended, to prohibit citizens of the United States from performing pro rata charters unless authorized by the Civil Aeronautics Board, and for other purposes."

The Board has been advised by the Bureau of the Budget that it has no objection to the transmission of the draft bill to the Congress, but that it, and the Department of Justice, believe the proposed amendments are broader than necessary to correct the problem and may unnecessarily restrict competition and that consideration should be given to other alternative remedies such as establishing requirements for financial responsibility on the part of part 42 operators engaged in pro rata charter operations.

Sincerely yours,

ALAN S. BOYD,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR A BILL

The bill would amend the Federal Aviation Act of 1958 so as to prohibit the conduct of pro rata charter operations by citizens of the United States except where such operations are performed by air carriers holding operating authority issued by the Civil Aeronautics Board. This would be accomplished by modifying the definition of "air transportation," for which operating authority must be obtained from the Board in order to engage therein, so as to include within its scope the carriage by aircraft of persons under a pro rata charter. A "pro rata charter" would be defined as meaning a charter trip in interstate, overseas, or foreign air commerce operated by a citizen of the United States for the transportation of 10 or more persons where the cost of the transportation is borne, directly or indirectly, on a proportionate or per capita basis by the persons being transported. The Board would be given authority to require the submission of reports and other information by persons who it has reason to believe may be engaged in air transportation, and to inspect the accounts and property of such persons.

The purpose of the bill is to enable the Board to cope more effectively with certain practices of persons holding commercial operator certificates issued by the Federal Aviation Agency under Revised part 42 of the Civil Air Regulations for the carriage by large aircraft of persons or property for compensation or hire as private carriers, but not holding operating authority issued by the Board. Until recently, these operators were referred to as "part 45 operators" because the certificates which they held were issued under part 45 of the Civil Air Regulations. Both the Board and the Congress have become increasingly concerned over certain operations of these carriers. Referring to the "part 45 operators" in Senate Report No. 837, 88th Congress, 2d session, the Senate Commerce Committee repeated an admonition, contained in prior reports, to the Board and the Federal Aviation Agency that "if authority in this area to require compliance with economic and safety regulations was inadequate * * * legislative recommendations should be submitted to correct any deficiencies."

A principal area of the Board's concern with the activities of the so-called part 45 operators has related to their conduct of so-called pro rata charters utilizing large transport-type aircraft. Under this type of charter, the chartering organization contracts with the operator for one or more flights at an agreed lump sum per flight, and each member of the chartering organization making the trip pays his proportionate share. In one instance, at least, flights have been canceled with the result that the passengers were stranded. While only a few of the 30 or more operators holding commercial operators' certificates have been engaged in substantial pro rata charter operations, others may, with the economics of transportation being what they are, resort to this type of operation as a source of business.

Although these operators contend that they are engaged in private carriage, the Board believes that, in virtually every instance, pro rata charter carriage by such operators crosses the line dividing private and common carriage. The basic legal distinction between common carriage, for which operating authority is required from the Board, and private carriage is that the services of the common carrier are made available to the general public, or to a significant segment thereof, while those of the private carrier are not. Thus, the very number of passengers being transported under the pro rata charters suggest that the services of the carriers are probably being made available to the general public in some form or fashion.

However, a lengthy investigation would be required in order to determine how and to what extent the services of a particular carrier are being made available to the public. Passage from the area of the private carrier to that of the common carrier is usually a gradual process. Thus, a determination as to whether a given operator's activities have crossed the line depends upon an evaluation of the operation over a period of time. This means that the Board's Bureau of Enforcement must conduct an extended and time-consuming investigation before the Board is in a position to institute administrative (sec. 1002) or judicial (sec. 1007) proceedings against a violator of the act. In the meantime, the illegal operations continue, and the public lacks the protection of the Board's regulations governing other carriers. Furthermore, the issuance of an enforcement order at the end of a proceeding directing a discontinuance of operations already commenced does not provide an adequate solution since persons who had bought round-trip transportation from the operators might be stranded in midjourney by the enforced cessation of operations.

In these circumstances, the Board believes that the best solution is legislation requiring that pro rata charters, regardless of their legal status as private or common carriage, be performed only by air carriers holding operating authority issued by the Board. However, charters for the carriage of less than 10 persons would be excluded from the scope of the legislation as being unnecessary for coping with the problem. Operations with large aircraft are the ones presenting significant enforcement problems, and the operators of such aircraft are apt to find it unprofitable to transport groups of less than 10 persons. On the other hand, small air-

craft operations by persons claiming to be engaged in private carriage have not presented any significant enforcement problems, and the less-than-10-persons exclusion recognizes this. Moreover, the Board's air taxi exemption regulation in any event permits operators of small aircraft to engage in pro rata charters irrespective of whether the operation is deemed to constitute common or private carriage. The effect of the instant proposal is to leave requirements of existing law undisturbed as to any need for operating authority for carriage of this nature. In other words, an operator now free to do so would continue to be free to carry groups of less than 10 on a proportionate cost basis unless he crossed over into common carriage in doing so. In such latter event, operating authority from the Board would be required just as it is at the present time. As indicated, however, this should not present any real problem to operators of small aircraft in view of the blanket exemption granted by the Board's air taxi regulation (14 C.F.R. 298) from the certificate requirements.

Pro rata charters by noncitizens have not been included within the scope of the legislation for the reason that affirmative authority is required from the Board, in the form of a permit under section 402 of the act or specific authorization under section 1108(b), in order that foreign aircraft may engage in air transportation or commercial air operations. Thus, a measure of control over such transportation is already provided which does not exist with respect to citizen carriers, who need no authority from the Board unless engaged in air transportation.

Giving the Board authority to require the submission of reports by persons who it has reason to believe may be engaged in air transportation, as well as the authority to inspect the accounts and property of such persons, should not only serve as a deterrent to violations, but also assist in determining whether so-called private carriers are conducting other types of operations, such as the common carriage of property or other types of passenger common carriage, for which operating authority is required under the act. Although these other types of operations are not as susceptible of inflicting abuses upon the public as are the pro rata charter operations, they should be eliminated in order that there will be effective compliance with the economic regulations of the Board. However, this power would be exercised by the Board only when it had reasonable grounds for believing that a violation was occurring, and its exercise would be limited to matters relevant to possible violations.

SECTION-BY-SECTION ANALYSIS OF A BILL

Section 1: Amends section 101 of the act, containing definitions of the terms used therein, so as to include within the definition of "air transportation" the carriage by aircraft of persons under a pro rata charter. The term "pro rata charter" is defined as meaning a charter trip in interstate, overseas, or foreign air commerce operated by a citizen of the United States for the transportation of 10 or more persons, where the cost of such transportation is borne, directly or indirectly, on a proportionate or per capita basis by the persons being transported. Thus, citizens of the United States not holding operating authority issued by the Board to engage in air transportation would be prohibited from conducting pro rata charters without regard as to whether such charters are deemed to be private or common carriage.

Section 2: Subsection (a) amends subsection (a) of section 407 of the act, empowering the Board to require, among other things, reports from air carriers and answers to questions relating to information deemed to be necessary, so as to make such provisions applicable to persons not holding operating authority who the Board has reason to believe are engaged in air transportation.

Subsection (b) amends subsection (e) of section 407, authorizing the Board to inspect the accounts and property of air carriers, so as to make such provisions applicable to persons not holding operating authority who the Board has reason to believe are engaged in air transportation.

COMPARISON WITH EXISTING LAW

(New matter in italic, stricken matter in black brackets)

DEFINITIONS

SEC. 101. As used in this Act, unless the context otherwise requires—

* * * * *

(10) "Air transportation" means interstate, overseas, or foreign air transportation, *or the carriage by aircrafts of persons under a pro rata charter,* or the transportation of mail by aircraft.

* * * * *

(30) "Pro rata charter" means a charter trip in interstate, overseas, or foreign air commerce operated by a citizen of the United States for the transportation of 10 or more persons, the cost of which is borne, directly or indirectly, on a proportionate or per capita basis by the persons transported.

[30] *(31)* "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof including the government of any State, Territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

[31] *(32)* "Spare parts" means parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of propellers and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto.

[32] *(33)* "Supplemental air carrier" means an air carrier holding a certificate of public convenience and necessity authorizing it to engage in supplemental air transportation.

[33] *(34)* "Supplemental air transportation" means charter trips in air transportation, other than the transportation of mail by aircraft, rendered pursuant to a certificate of public convenience and necessity issued pursuant to section 401(d)(3) of this Act to supplement the scheduled service authorized by certificates of public convenience and necessity issued pursuant to sections 401(d)(1) and (2) of this Act.

[34] *(35)* "Ticket agent" means any person, not an air carrier or a foreign air carrier and not a bona fide employee of an air carrier or foreign air carrier, who, as principal or agent, sells or offers for sale any air transportation, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts or arranges for, such transportation.

[35] *(36)* "United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

* * * * *

ACCOUNTS, RECORDS, AND REPORTS

Filing of reports

SEC. 407. (a) The Board is empowered to require annual, monthly, periodical, and special reports from any air carrier; to prescribe the manner and form in which such reports shall be made; and to require from any air carrier specific answers to all questions upon which the Board may deem information to be necessary. Such reports shall be under oath whenever the Board so requires. *The foregoing provisions shall also apply to any person not holding operating authority issued by the Board who the Board has reason to believe is engaged in air transportation.* The Board may also require any air carrier to file with it a true copy of each or any contract, agreement, understanding, or arrangement, between such air carrier and any other carrier or person, in relation to any traffic affected by the provisions of this Act.

* * * * *

Inspection of accounts and property

(e) The Board shall at all times have access to all lands, buildings, and equipment of any carrier and to all accounts, records, and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers; and it may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda. The provisions of this section shall apply, to the extent found by the Board to be reasonably necessary for the administration of this Act, to persons having control over any air carrier, or affiliated with any air carrier within the meaning of section 5(8) of the Interstate Commerce Act, as amended. *The provisions shall also apply to any person not holding operating authority issued by the Board who the Board has reason to believe is engaged in air transportation.*

TO AUTHORIZE A CONTRIBUTION TO CERTAIN INHABITANTS OF THE RYUKYU ISLANDS FOR DEATH AND INJURY OF PERSONS, AND FOR USE OF AND DAMAGE TO PRIVATE PROPERTY, ARISING FROM ACTS AND OMISSIONS OF THE U.S. ARMED FORCES, OR MEMBERS THEREOF, AFTER AUGUST 15, 1945, AND BEFORE APRIL 28, 1952

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a joint resolution to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952.

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

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

I ask unanimous consent that the joint resolution may be printed in the RECORD at this point, together with the letter from the Secretary of the Army dated August 26 to the President pro tempore in regard to it. I also ask unanimous consent that the Senators from Hawaii [Mr. FONG and Mr. INOUYE], may appear as cosponsors of the bill.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the names mentioned

by the Senator from Arkansas will be added as cosponsors, and the joint resolution and letter will be printed in the RECORD.

The joint resolution (S.J. Res. 199) to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952, introduced by Mr. FULBRIGHT (for himself, Mr. FONG, and Mr. INOUYE) (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Whereas certain persons of the Ryukyu Islands suffered damages incident to the activities of the Armed Forces of the United States, or members thereof, after the surrender of Japanese forces in the Ryukyus on August 15, 1945, and before the effective date of the Treaty of Peace with Japan on April 28, 1952;

Whereas Article 19 of the Treaty of Peace with Japan extinguished the legal liability of the United States for any claims of Japanese nationals, including Ryukyuans, with the result that the United States has made no compensation for the above-mentioned damages (except for use of and damage to land during the period from July 1, 1950, to April 28, 1952);

Whereas it is particularly consonant with the concern of the United States, as the sole administering authority in the Ryukyu Islands, for the welfare of the Ryukyuan people, that those Ryukyuans who suffered damages incident to the activities of the United States Armed Forces, or members thereof, should be compensated therefor;

Whereas payment of ex gratia compensation, by advancing the welfare of the Ryukyuan people, will promote the security interest, foreign policy, and foreign relations of the United States; and

Whereas the High Commissioner of the Ryukyu Islands has considered the evidence regarding these claims, and has determined, in an equitable manner, those claims which are meritorious, and the amounts thereof: Therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the United States should make an ex gratia contribution to the persons determined by the High Commissioner of the Ryukyu Islands to be meritorious claimants, in the amounts determined by him, and that the Secretary of the Army or his designee should, under regulations prescribed by the Secretary of Defense, pay such amounts to the claimants or their legal heirs, as a civil function of the Department of the Army; and be it further

Resolved, That no funds appropriated under this authorization shall be disbursed to satisfy claims, or portions thereof, which have been satisfied by contributions made by the Government of Japan.

SEC. 2. There is authorized to be appropriated not to exceed $22,000,000 to carry out this joint resolution, which funds are authorized to remain available until expended.

SEC. 3. No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this subchapter shall exceed 5 per centum of the total amount paid pursuant to any award certified under the provisions of this subchapter on account of such claim. Fees already paid for services performed in submitting a claim to the Joint American-Ryukyuan Commission shall be deducted from the amounts authorized under this legislation. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

The letter presented by Mr. FULBRIGHT is as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., August 16, 1964.

Hon. CARL HAYDEN,
President Pro Tempore of the Senate.

DEAR SENATOR HAYDEN: A draft of legislation "To authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952," is enclosed.

This proposal is part of the Department of Defense legislative program for the 88th Congress, and the Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Army has been designated the executive agency of the Department of Defense for the civil administration of the Ryukyu Islands, and is therefore the representative of the Department of Defense for this legislation. The Department of State concurs in this proposal, from the viewpoint of foreign policy. It is recommended that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is stated in the title. The following background information will be useful in considering this bill.

A. Historical background

The Ryukyu Islands became an integral part of Japan in 1879. This area was regarded as enemy territory by the U.S. Armed Forces during World War II, and was invaded by them on March 26, 1945. Hostilities ended in the Ryukyus on June 21, 1945, and Japanese forces there formally surrendered on August 15, 1945. Full military government was established in the islands on September 21, 1945. For purposes of control and administration, the Ryukyus were severed from Japan, and Japanese postwar legislation was not, of itself, extended to this area.

The Treaty of Peace with Japan, which was signed by the United States and other nations at San Francisco on September 8, 1951, entered into force on April 28, 1952. By article 3 thereof, Japan agreed to concur in any proposal of the United States to place the Ryukyu Islands under the United Nations trusteeship system, with the United States as the sole administering authority. Pending the making of such a proposal, Japan gave to the United States the right to exercise all and any powers of administration, legislation, and jurisdiction over the territory and inhabitants of the Ryukyu Islands. The northernmost group of these islands, known as the Amami Oshima group, was returned to Japanese jurisdiction on December 25, 1953, and is no longer considered a part of the Ryukyu Islands, as they are known today.

The President has asserted, in the budget of the U.S. Government for fiscal year 1965, that "to protect the security of the United States and of the free world, the United States will continue responsibility for the administration of the Ryukyu Islands as long as conditions of threat and tension in the Far East require the maintenance of military bases in these islands."

B. Governmental arrangements

Under the provisions of Executive Order 10713, dated June 5, 1957, as amended by Executive Order 11010, dated March 19, 1962, the President delegated to the Secretary of Defense the responsibility of exercising the above-mentioned powers of administration, legislation, and jurisdiction over the Ryukyus, subject to the direction and control of the President. The basic order established a civil administration of the Ryukyu Islands (USCAR), headed by a high commissioner appointed from among the active-duty members of the U.S. Armed Forces. The 1962 amendment to the basic order also provided for a civilian official, under the High Commissioner, called the Civil Administrator; his powers and duties are such as may be assigned to him by the High Commissioner. The basic order charged the Secretary of State with the responsibility for conducting Ryukyuan relations with foreign countries and international organizations. It also established the Government of the Ryukyu Islands (GRI), which, under the High Commissioner, has extensive powers in the legislative, executive, and judicial fields.

C. Nature of claims

The presence of U.S. Armed Forces in the Ryukyu Islands constituted a military occupation from June 21, 1945, until April 28, 1952. Certain damages were caused during this period to residents of the Ryukyu Islands by various acts and omissions of the U.S. Armed Forces or of their members. These damages ranged from the uncompensated use of real and personal property, taken over for the legitimate requirements of the occupying forces, to tortious acts by members of the forces.

It is a generally recognized principle of international law, particularly as reflected in the provisions of the Hague Convention Number IV of 1907 (which has been ratified by both the United States and Japan), that individuals whose personal or real property is used or taken by occupation forces are entitled to fair compensation for such use. In other occupations of enemy territory by U.S. Armed Forces during and after World War II, such compensation was normally provided, on behalf of the United States, by the existing local governments. This principle applied also to claims arising from death or personal injury suffered by residents of the occupied territory due to acts or omissions of the Armed Forces or of their members.

However, the absence of any financially responsible local government in the Ryukyus in the immediate postwar years unfortunately resulted in the nonpayment of any compensation to individual Ryukyuans for the use of or damage to their property by the U.S. occupation forces during the pretreaty period (with one exception, as will be explained below), or for any pretreaty tort claims for death or personal injury caused by such forces or members thereof.

In any event, U.S. liability for Ryukyuan claims arising during that period was formally extinguished by the Treaty of Peace with Japan, which entered into force on April 28, 1952. In article 19a of this treaty, Japan waived all its claims, and those of its nationals (including Ryukyuans), against the Allied powers and their nationals, arising from the war and occupation of Japanese territory prior to the coming into force of the treaty. (Unlike other agreements with former enemy states, this treaty did not require Japan to settle and pay the claims of its nationals against the other contracting parties.) Accordingly, the United States, on the basis that it has thus been absolved from legal responsibility for payment of these claims, denies legal liability for such claims and therefore has not paid them—except for certain claims relating to rental of land and damages thereto during the last 2 years of the

occupation period, as will be explained herewith.

Beginning with the effective date of July 1, 1950, the principle of uncompensated requisitioning of Ryukyuan private property was abandoned in favor of leasehold arrangements, with rentals paid by the U.S. Government; payments have also been made to cover the cost of restoring lands damaged during that period. These arrangements were undertaken on the basis of implied leases, executed by virtue of the retroactive provisions of Civil Administration Proclamation No. 26, dated December 5, 1953. These particular pretreaty claims may thus be regarded as covered by article 19b of the treaty, which specifically exempts from the waiver provision of article 19a those claims which are "specifically recognized in the laws of any Allied Power enacted since September 2, 1945." These already satisfied pretreaty claims, of course, are not included among the claims covered by the attached draft legislation.

As a matter of related interest, the Government of Japan denies legal liability for pretreaty claims in the home islands of Japan, but has provided some compensation to such Japanese claimants. Although the Government of Japan similarly denies legal liability for pretreaty claims in the Ryukyu Islands, in 1957 it made solatia payments to Ryukyuan pretreaty claimants, in the amount of 1 billion yen (approximately $2.8 million). The amount of these solatia has been deducted from the amount of the claims covered by the proposed legislation, and a specific stipulation has been included therein, precluding disbursement of funds appropriated thereunder for claims already satisfied by the Government of Japan. Although the Government of Japan, when paying these solatia, stipulated that the amount thereof would be repaid to it, should the Ryukyuan claimants succeed in obtaining compensation from the U.S. Government for these claims, this stipulation was a unilateral action on the part of the Government of Japan, and has never been agreed to by the U.S. Government.

D. U.S. policy regarding these claims

The claims to be compensated by this bill have been presented by Ryukyuans to the High Commissioner and his predecessors during the years since the treaty entered into effect. Numerous petitions in this matter have also been submitted to him and to other officials of the U.S. Government. Most recently, in 1960, the Ryukyuan members of the High Commissioner's Land Advisory Committee submitted to him a comprehensive petition, requesting compensation for these claims. Although recognizing that the United States had no legal liability for such claims, the High Commissioner forwarded this petition to the Department of the Army, recommending that the United States review this entire problem with a view toward modifying its past policy of relying solely on the legal merits of the case, and that it now give due emphasis to related considerations of equity and moral responsibility.

The High Commissioner's recommendation for a review of this problem was favorably received by the Department of the Army, and, with the approval of the Department of Defense and the concurrence of both the Department of State and the Bureau of the Budget, the High Commissioner was directed to undertake a review of the entire subject of Ryukyuan pretreaty claims, to include discussions with the Ryukyuan claimants, their representatives, and the Government of the Ryukyu Islands. An announcement to this effect was released by the High Commissioner on April 6, 1961. In his announcement, the High Commissioner noted that he thereby assumed no legal responsibility or commitment to settle these claims, and stated that they were being reviewed because of the concern of the United States, as the administering authority in the Ryukyus, for the well-being of the Ryukyuan people. Advance copies of this announcement had previously been distributed to the President of the Senate, the Speaker of the House, the members of the concerned committees of both the Senate and House, and to selected Senators and Congressmen.

The High Commissioner subsequently established a joint Ryukyuan-American group to conduct the review, the American members of which were appointed by himself and the Ryukyuan members by the Chief Executive of the Government of the Ryukyu Islands. The committee examined all of the evidence in this matter and reviewed it in accordance with equitable standards that had previously been developed, and applied with considerable success, in reviewing claims submitted to the U.S. Government by residents of other areas in the Far East. The committee completed its study and submitted a unanimous report to the High Commissioner on March 23, 1962. After reviewing the committee's report, the High Commissioner transmitted it to the Department of the Army on October 16, 1962. The High Commissioner supported the committee's conclusions and recommended that appropriate action be taken to seek approval by the Congress for authorization of the proposed payments. This legislative proposal is a direct result of the committee's study and of the High Commissioner's recommendation thereon.

Bills seeking the same objective as this proposal were introduced by congressional sponsors in the 86th and 87th Congress, but were not enacted. A similar bill (S. 270) has been introduced in the 88th Congress by Senator INOUYE, and has been referred to the Senate's Committee on Foreign Relations.

The proposed payments are considered warranted because of the concern of the United States, as the administering authority in the Ryukyus, for the well-being of the Ryukyuan people. Payment of these claims will also provide effective redress for an acknowledged inequity, which has caused these claimants to throw themselves on the mercy of the U.S. Government, which has full jurisdiction over them. It would also promote the security interests of the United States, by fostering an atmosphere of respect on the part of the Ryukyuan people for the spirit of fair play and equity evidenced by the U.S. Government, in keeping with the image and record of American practices throughout the world.

While the legal position of the U.S. Government is quite clear, in view of the above-mentioned extinguishment of our liability for these claims by article 19 of the treaty, the fact that the individual claimants were, through no fault of their own, left uncompensated during the 7 years of the occupation, contrary to the practice followed in other occupied areas, does constitute a situation calling for equitable adjustment at this time. In referring this matter to the Congress, the executive branch believes that the problem should be regarded in this light. This question is basically keyed to the moral imperative of living up to the demands of equity, even where no legal liability exists. It is respectfully suggested that this be the framework for legislative consideration of the attached proposal.

E. Cost and budget data

The total of all claims which have been submitted in this matter was originally $43 million, as tabulated in the above-mentioned petition submitted by the claimants to the High Commissioner. However, in the course of the review conducted by the joint committee, as approved by the High Commissioner, the total of the meritorious claims has been reduced to approximately $22 million, broken down as follows:

Personal injury and death	$800,000
Land rentals (1945–50)	15,000,000
Restoration of released lands	2,500,000
Water rights	50,000
Property damage, growing crops, etc	3,650,000

If this legislative proposal is enacted, it is estimated that the bulk of this sum would be expended within 1 year. This amount has not been included in any estimate of appropriations submitted through budget channels by either the Department of Defense or the Department of the Army.

It is proposed that distribution of the requested payments would be made by the Government of the Ryukyu Islands, under controls established by the High Commissioner, and would not require additional civilian employment or expenditures for personnel services. The anticipated negligible increase in general administrative expenses in the office of the High Commissioner will be absorbed within other appropriations for the Department of Defense.

In connection with the operative clause of the attached joint resolution, it is proposed that a tabulation of the claims determined by the High Commissioner to be meritorious will be submitted to the respective committees of the Congress in the course of their consideration of this proposal.

Sincerely,

STEPHEN AILES,
Secretary of the Army.

SOCIAL SECURITY AMENDMENTS OF 1964—REQUEST TO HOUSE FOR RETURN OF BILL

On request of Mr. MANSFIELD, and by unanimous consent, it was

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill H.R. 11865, the Social Security Amendments of 1964, together with the accompanying papers.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the message sent to the House today be recalled temporarily.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MANSFIELD further subsequently said: Mr. President, a short time ago I asked unanimous consent that H.R. 11865, the social security bill, be returned to the Senate. That request was granted.

I did so because I had received a communication from the distinguished Senator from Kentucky [Mr. COOPER], asking that it be recalled for the purpose of adding an amendment, under a unanimous-consent request, which had to do with the State of Kentucky.

In view of the fact that H.R. 11865 was passed by a rather large vote in the Senate, and on which a motion to reconsider the vote was tabled, I must most reluctantly and most respectfully object to the request of the Senator from Kentucky.

Therefore, Mr. President, I ask unanimous consent that the order requesting its return be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEVELOPMENT OF APPALACHIAN REGION—AMENDMENTS

(AMENDMENT NO. 1264)

Mr. METCALF (for himself and Mr. Moss) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region, which were ordered to lie on the table and to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he presented to the President of the United States the following enrolled bills:

On September 4, 1964:

S. 1123. An act to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes.

On September 8, 1964:

S. 27. An act to provide for establishment of the Canyonlands National Park in the State of Utah, and for other purposes.

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

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MANSFIELD:

Speech delivered by the President of the United States at Detroit on Labor Day.

MRS. JANE HADLEY BARKLEY

Mr. COOPER. Mr. President, I know that Members of the Senate are saddened by the news of the death of Mrs. Jane Hadley Barkley, the widow of the former Vice President and U.S. Senator, Alben W. Barkley. This is particularly so in Kentucky, where she was admired and held in affection because she was the wife of Alben W. Barkley, a tradition and an institution in our State, and also in her own right as an intelligent and capable woman, warm in her friendship and thoughtful and kind in character. The news of her death comes as a shock. I have valued her friendship very much.

I ask unanimous consent that there be printed in the RECORD articles about Mrs. Barkley, as published in the New York Times, the Washington Star, and the Washington Post.

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

[From the Washington Post]

JANE BARKLEY, WIDOW OF "VEEP"

(By Jim Jaffe)

Jane Rucker Barkley, widow of Vice President Alben W. Barkley, died unexpectedly yesterday morning at her Connecticut Avenue apartment. She was 52.

The cause of her death was not known. An autopsy yesterday afternoon revealed evidence of heart disease, but a ruling will not be made until completion of tests.

Mrs. Barkley married the "Veep" in November 1949, after a courtship that was followed by much of America as the 72-year-old politician flew to St. Louis to spend his weekends visiting his bride to be, who was then 38.

In addition to her social duties, she was also a capable secretary. At the time of her death, she was an administrative assistant to the president of George Washington University here.

Elizabeth Jane Barkley was born in Keytesville, Mo., on September 23, 1911, and educated in Europe, where her mother, Elizabeth Estle Rucker, was a pianist and teacher. She learned French and Italian there.

She dropped the Elizabeth from her name during her school years to avoid being called "Lizzie."

After attending Washington University in St. Louis for a year, she married lawyer Carleton S. Hadley, in 1931, when she was 19. When he died in 1945, she went to work as a secretary, handling foreign correspondence for the school.

Mrs. Barkley was first linked romantically with the Vice President in the summer of 1949, when she met him on a cruise given in her honor by the Clark Cliffords. The public was kept guessing as the two continued seeing each other. The marriage was announced in late October.

Two months before the wedding, Vice President Barkley was asked whether he had proposed. He said he hadn't. "I have no way of knowing whether I'll make the grade," he added.

He did. Their scheduled "small" wedding on November 18, 1949, drew 7,000 guests and Mrs. Barkley was the toast of Washington society the following season.

When her husband died in 1956, she was one of the people considered for an interim appointment to the Senate seat he held.

In 1957, she wrote, "I Married the Veep," telling about her life in Washington. That year she was squired around town by House Speaker Sam Rayburn, but denied reports of another romance.

Mrs. Barkley became appointments secretary to the late Thomas Henry Carroll II, former president of George Washington University, in 1962.

She is survived by her mother, with whom she lived at 4514 Connecticut Avenue, NW.; two daughters, Jane H. Perry, of 5300 Wriley Road, Bethesda, and Anne Behrend, of Omaha, Nebr.; a sister, Ann Estle Lyon, of 1201 South Scott Street, Arlington; a brother, William W. Rucker, of Tampa, Fla., and four grandchildren.

Funeral services will be held at 2 p.m. Tuesday at Joseph Gawler's Sons, Inc., Wisconsin Avenue and Harrison Street, NW. The family has requested contributions to the American Heart Association instead of flowers.

[From the New York Times]

MRS. ALBEN W. BARKLEY, 52, DIES; WIDOW OF FORMER VICE PRESIDENT

WASHINGTON, September 6.—Mrs. Jane Hadley Barkley, widow of Alben W. Barkley, Vice President of the United States in the administration of former President Harry S. Truman, died today at her home. She was 52 years old.

Mrs. Barkley was a 38-year-old widow when she and the Vice President, then 71 years old, were married in St. Louis in 1949. He died in 1956 after returning to the Senate.

Mrs. Barkley's survivors include her mother, Mrs. Estle Rucker; two daughters, Mrs. Jane Perry of Bethesda, Md., and Mrs. Anne Behrend of Omaha; a sister, Mrs. Estle Lyon of Arlington, Va., and a brother, William Rucker of Tampa, Fla.

Funeral arrangements have not yet been announced.

WHIRLWIND COURTSHIP

The Vice President conducted a whirlwind campaign for the hand of Mrs. Carleton S. Hadley, widow of a St. Louis railroad lawyer. They had met in July 1949, and were married in November.

Mrs. Barkley recalled in her book "I Married the Veep," published in 1958, that at their first meeting, aboard a small river cruiser on the Potomac, Mr. Barkley held her hand so firmly, "that I couldn't figure out how to free my poor imprisoned hand."

They met frequently afterward at parties, and he wrote her many letters.

Mrs. Barkley was born in Keytesville, Mo., and named Elizabeth Jane Rucker. She dropped the Elizabeth to avoid being called "Lizzie," she said. She was educated in Europe, where her mother was a pianist and teacher.

At the age of 19 she was married to Mr. Hadley, who later became general counsel of the Wabash Railroad in St. Louis. He died of a heart attack in 1945 at the age of 42.

His widow then went to work as a secretary at Washington University and, a few months later, became secretary to the man who had succeeded her husband at the Wabash.

She met Mr. Barkley by chance through her friendship with Mr. and Mrs. Clark Clifford of St. Louis. Mr. Clifford was then special counsel to President Truman.

Through that summer the Vice President parried the questions of friendly reporters on his marriage plans when they learned that he was making visits to St. Louis. Once, he quipped that he had not yet proposed marriage "because I have no way of knowing whether I'll make the grade."

The wedding was planned at first to be small, but some 7,000 people were waiting outside the Singleton Memorial Chapel of St. John's Methodist Church that November day to greet the Vice President and his bride. Mrs. Barkley plunged into political campaigning and the Washington social world with her husband.

She joined him on a trip to Korea during the Korean war. She walked with him on a celebrated stroll from the railroad station to his hotel in 1952 at the time of the Democratic National Convention to prove that he was not too old to be a candidate for President.

In recent years, Mrs. Barkley was appointed secretary to Thomas Henry Carroll, president of George Washington University.

MRS. JANE BARKLEY, 52, VEEP'S WIDOW, DIES

Mrs. Jane Barkley, 52, who married Vice President Alben W. Barkley after a 4-month storybook courtship 15 years ago, died yesterday in her Connecticut Avenue apartment.

An autopsy showed evidence of heart disease, but the coroner's office withheld a ruling until further tests can be completed. Mrs. Barkley was found dead in her bed.

On November 18, 1949, photographs in newspapers across the country showed Mrs. Barkley smiling through tears of happiness as she was led to the altar by the witty and genial former Kentucky Senator. She was 38 then and "the Veep" was 71.

AT SIDE WHEN HE DIED

Six and a half years later, on April 30, 1956, she rushed to Mr. Barkley's side when he collapsed and died while addressing a mock Democratic convention at Washington and Lee University at Lexington, Va.

Mr. Barkley, again a Senator from Kentucky, had just declared, "I would rather be a servant in the house of the Lord than to sit in the seats of the mighty." Mrs. Barkley was in the audience.

Later, she returned to secretarial work, and at the time of her death was administrative assistant to Oswald S. Colclough, acting president of George Washington University.

WED FIRST IN 1943

Born Elizabeth Jane Rucker in Keytesville, Mo., she was educated in Switzerland and Italy, where her mother was a pianist and music teacher. Her father was a lawyer and

her grandfather, William J. Rucker, was a Member of Congress whom Mr. Barkley had known at the beginning of his career.

At 19, she left Washington University to marry Carleton S. Hadley, a lawyer who died in 1945.

The Vice President and Mrs. Hadley met in the summer of 1949 at a party given by the Clark Cliffords on the Presidential launch, *Margie*. Mrs. Barkley's first husband had been best man at the Cliffords' wedding. It was obvious that they hit it off, but knowing Mr. Barkley's old world gallantry toward the other sex, no one paid much attention.

The next morning, however, the Vice President called Mrs. Clifford and asked her to tell him everything about Mrs. Hadley. (His first wife, whom he married in 1903, died in 1947 after a long illness.) Three days later he gave a luncheon for her in the Senate, followed up by a cocktail party that afternoon.

The Vice President then began making weekend visits to the St. Louis widow, engaging the American people as partisans in the courtship long before he became engaged himself.

VEEP WAS UNCERTAIN

Only 2 months before the wedding, Mr. Barkley was asked whether he had popped the question. He said he hadn't because "I have no way of knowing whether I'll make the grade."

He did, and the projected "small" wedding in St. Louis finally wound up with some 7,000 guests. The new Mrs. Barkley was the toast of Washington social circles when the couple returned here.

Mrs. Barkley described the romance in a 130-page book called "I Married the Veep," published in 1958. She called herself "an overage Cinderella."

A Republican before her marriage to Mr. Barkley, she was an ardent supporter of Wendell Willkie, the GOP presidential candidate in 1940. She once tried to convert her Democratic milkman by leaving him a note reading, "No Willkie, No Milkie."

CHANGED PARTIES

She switched parties after her second marriage and campaigned for Democratic candidates in the 1950 elections.

She is survived by her mother, with whom she lived at 4514 Connecticut Avenue NW.; two daughters, Jane H. Perry, of 5300 Wriley Road, Bethesda, and Anne Behrend, of Omaha, Nebr.; a sister Mrs. Estle Lyon, of 1201 South Scott Street, Arlington; and a brother, William Rucker, of Tampa, Fla.

Funeral services will be at 2 p.m. tomorrow at the Joseph Gawler's Sons Funeral Home, Wisconsin Avenue and Harrison Street, NW., with the Reverend Frederick Brown Harris, the Senate Chaplain, officiating. The burial will be private.

The family asks that expressions of sympathy take the form of contributions to the American Heart Association.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

REAPPORTIONMENT OF STATE LEGISLATURES—FILING OF CLOTURE MOTION

Mr. DIRKSEN. Mr. President, a series of parliamentary inquiries.

The ACTING PRESIDENT pro tempore. The Senator from Illinois will state them.

Mr. DIRKSEN. First, when a cloture motion is filed, there will be one intervening day before it comes to the floor of the Senate for a vote.

The ACTING PRESIDENT pro tempore. The Senate must be in session on 1 intervening day. The Senator is correct.

Mr. DIRKSEN. Which is to say that if the cloture motion were to be filed, it would automatically be voted on on Thursday of this week.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DIRKSEN. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Illinois will state it.

Mr. DIRKSEN. I understand that when the cloture motion is to be taken up, a quorum call is automatic under the rule.

The ACTING PRESIDENT pro tempore. The Senator is correct—1 hour after convening of the Senate.

Mr. DIRKSEN. A further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Illinois will state it.

Mr. DIRKSEN. The intervening hour before the vote can be devoted to a discussion of the cloture motion, but the rule makes no provision for the division of time.

The ACTING PRESIDENT pro tempore. The Senator is correct. There is no provision for division of time.

Mr. DIRKSEN. I direct an inquiry to the Chair as to whether it has been customary to divide that 1 hour between the proponents and the opponents.

The ACTING PRESIDENT pro tempore. The Parliamentarian informs the Chair that it has been customary to proceed with morning business. But on the other hand, the Chair recalls that the last two times a cloture motion was filed, the hour was divided between the proponents and the opponents of the motion by unanimous-consent agreement.

Mr. DIRKSEN. Suppose the sponsor of the cloture motion—who would normally, I believe, be recognized by the Chair—undertakes to keep all the time and farm it out according to his likes; does that come within the rule?

The ACTING PRESIDENT pro tempore. The farming out of time is against the rule. Whoever occupied the Chair probably would strictly interpret the rule so that the Senator who had the floor would have to stay within the rules of the Senate.

The Parliamentarian informs the Chair that the regular morning hour would be in order, unless there were some agreement as to——

Mr. DIRKSEN. Would it be in order at this time to ask for a division of the time on Thursday next, in view of the fact that I propose to file a cloture motion?

The ACTING PRESIDENT pro tempore. It would be in order, on the assumption that the cloture petition will be filed and that the Senator from Illinois [Mr. DIRKSEN] can ask unanimous consent for a division of time for the hour on the morning of Thursday, provided the Senate is in session.

Mr. DIRKSEN. Then I shall make that request directly.

The ACTING PRESIDENT pro tempore. Is the Senator requesting that there shall be a division of time?

Mr. DIRKSEN. I shall ask for that after I read the title to the motion.

The ACTING PRESIDENT pro tempore. The Chair thanks the Senator from Illinois.

Mr. DIRKSEN. It reads:

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the amendment, relative to apportionment offered by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD], numbered 1215, to the bill (H.R. 11380), an act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the rule, the Presiding Officer must read the cloture motion. The Chair asks unanimous consent that the clerk may now read the motion instead of the Presiding Officer. Without objection, it is so ordered.

The legislative clerk read as follows:

CLOTURE PETITION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the amendment, relative to reapportionment, offered by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD], numbered 1215, to the bill H.R. 11380, an act to amend further the Foreign Assistance Act of 1961, as amended and for other purposes.

EVERETT M. DIRKSEN, JAMES O. EASTLAND, FRANK CARLSON, ROMAN L. HRUSKA, LEN B. JORDAN, MIKE MONRONEY, BOURKE B. HICKENLOOPER, JAMES B. PEARSON, LEVERETT SALTONSTALL, NORRIS COTTON, GORDON ALLOTT, JACK R. MILLER, JOHN SHERMAN COOPER, WALLACE F. BENNETT, CARL T. CURTIS, HIRAM L. FONG, E. L. MECHAM.

Mr. DIRKSEN. Mr. President, in connection with the cloture motion now filed, I ask unanimous consent that the hour to be made available at the time this matter is presented to the Senate be equally divided between myself and anyone whom the opposition to cloture may designate.

Mr. CLARK. Mr. President, reserving the right to object—and I probably shall not do so—would not the Senator from Illinois agree that the time allotted to the opponents of the cloture motion may be divided in any way the opponents may collectively agree, rather than be given to any one Senator?

Mr. DIRKSEN. I have no objection. I believe that in the interest of an organized and expeditious arrangement some one Senator ought to handle it.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DIRKSEN. I yield.

Mr. CLARK. It occurred to me that the normal procedure for controlled time for the hour would be more desirable than to attempt to have a unanimous-consent agreement now. I have no doubt that the proponents of cloture would be only too happy to have the able Senator

from Illinois take all the time. Some of us who are opposed to cloture would perhaps prefer to have a little more democratic process, by which the time would be divided among several Senators.

Mr. DIRKSEN. If the opponents can get together, that would be agreeable to me.

Mr. CLARK. Why do we not try?

Mr. DIRKSEN. I suggest that the Senator from Pennsylvania in turn suggest to the Chair the name of the Senator who should handle the allotment of time. The opponents may want to ration the time among the Senator from Pennsylvania [Mr. CLARK], the senior Senator from Illinois [Mr. DOUGLAS], the distinguished Senator from Wisconsin [Mr. PROXMIRE], and others. The opponents may have a ration table of their own.

Mr. CLARK. Did I misunderstand the Senator in his unanimous-consent request? Did the Senator provide that the time for the opponents of cloture should be controlled and divided by one individual Senator?

Mr. DIRKSEN. Certainly.

Mr. CLARK. I have no objection to the request.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none. It is so ordered.

Mr. PROXMIRE. Mr. President, the cloture motion that has just been filed is—on the basis of study made by my staff—unprecedented. The Dirksen amendment was attached to the foreign aid bill without hearings or other legislative action. It was a bolt from the blue. Yet, it would deprive a majority of our citizens of the right to equal representation in their State governments for at least 2 years, and, if a constitutional amendment were passed by malapportioned State legislatures, for all time. This is why it is unprecedented: I believe there has never been a time when debate has been ended with such little opportunity for discussion.

How much time has been spent by the Senate in debating this all-important proposal prior to the introduction of a cloture motion? On the basis of the most optimistic, conservative estimates, of the number of CONGRESSIONAL RECORD pages covering the debate, a total of 26½ hours, pro and con, have been consumed on this subject. This would be the shortest cloture debate on record.

Time and again, those of us opposing the Dirksen amendment have agreed to postpone consideration of this legislation so that other measures, such as the Labor, Health, Education, and Welfare appropriations bill and the Social Security Amendments of 1964 could be acted upon.

From Thursday, August 13, the day the reapportionment amendment was laid aside so that the social security measure could be taken up, the Senate passed 89 bills and 32 resolutions, adopted 17 conference reports, and sent 10 bills to conference. This legislation probably constitutes the largest number of measures acted upon during any comparable period in the 88th Congress. During most of that period of time, the Dirksen amendment was set aside while other business was discussed and acted upon.

Mr. President, surely a measure which not only overrides the principle of one-man, one-vote, but also raises serious constitutional questions as to the independence of our courts from legislative coercion, does not deserve such short shift. I urge Senators not to act without further debate on this legislation.

There has been no delaying action; no live quorums called by those of who oppose the Dirksen amendment. There has been no nongermane debate. And there has been no real opportunity for many Senators who oppose the Dirksen amendment to speak. We have a list of Senators who want to speak against the Dirksen amendment. They have not had an opportunity to do so. Some of them wish to speak for 2 or 3 hours. This is a subject of great importance. Senators will be gagged if we cannot persuade our colleague to vote against a cloture motion.

I have been one of those who voted quite consistently for cloture. Yet, there are times when this body, which is recognized throughout the world as one which permits a substantial amount of discussion and debate, should have sufficient time in which to explore serious questions before the Senate.

With the limited time now available, it seems to me it would make sense for Senators who oppose the Dirksen cloture motion to have an opportunity to discuss such an important question in greater detail.

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

CONFLICT AND UNITY

Mr. FULBRIGHT. Mr. President, later today I intend to make some remarks about the current campaign. But I should like to say at this point that I was shocked by the kind of attack made by Representative MILLER upon our colleague, the senior Senator from Minnesota [Mr. HUMPHREY].

As the majority leader has stated, "this was one of the most vicious, false, and malicious documents in American political history."

This kind of attack is destructive of the spirit of our democracy. Our institutions are not designed to operate efficiently when there is no restraint upon distortion and falsehood.

Some 10 years ago, our democratic system was severely strained by a technique known as the "big lie" or the "big doubt" a form of misrepresentation of the facts brought to a high degree of perfection by the late Senator McCarthy from Wisconsin.

The Senate formally censored the late Senator from Wisconsin; and I believe the people of this country will censure, by their votes in November, the Representative from New York [Mr. MILLER].

The statements by Representative MILLER confirm the observation made at the time, that he was chosen for the job of hatchet man, not because he is well-known or a man of stature, but because he is capable of the most foul-mouthed vituperation and unrestrained misrepresentation of any man in public life.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial from this morning's Washington Post entitled "Conflict and Unity."

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

[From the Washington Post, Sept. 8, 1964]

CONFLICT AND UNITY

The campaign opened, officially, on Saturday; and it seems plain that the country is going to be in for a boisterous and strident time until election day, come November. President Johnson took note of the opening by a news conference plea for national unity and understanding. But his plea had to be heard over the crackle and static of two rousing, tub-thumping, name-calling speeches by the rival vice-presidential candidates.

The elocutionary honors of the day went, we thought, to Senator BARRY GOLDWATER, the GOP presidential nominee, who indulged in nothing more than a brief introduction of his running mate, WILLIAM E. MILLER, at Lockport, N.Y. It would be too much, perhaps, to say that the Senator's speech was characterized by good humor; it did contain humor, however—barbed and enlivening. He gibed at Mr. Robert Kennedy, until a few days ago the Attorney General of the United States, now a New Yorker running for election to the Senate from that State. Mr. Kennedy must regard New York as a nice place to represent, the Senator observed, "but he wouldn't want to live here." And he added that Kennedy must be running on "a commuter ticket."

That was about all the humor of any kind that the day brought forth. Senator HUBERT HUMPHREY, opening the Democratic drive at Minneapolis, hammered away at his party's theme that Senator GOLDWATER is "trigger happy" and "irresponsible," while lauding President Johnson as "a giant of a man."

Congressman MILLER confined himself almost entirely to denunciation. He has been widely characterized as a "gut fighter" and appears to regard this somewhat unattractive appellation as an accolade. He demonstrated beyond contradiction, at any rate, that he deserves it. He indulged in a personal attack on Senator HUMPHREY which, for sheer irrationality and imputation of evil has been unrivaled in American politics for many a decade.

The GOP seems to have decided to run against the ADA—that is, against Americans for Democratic Action, a small, energetic, liberal group which has contributed numerous constructive proposals to the country's political dialog. Senator HUMPHREY has long been a member and an officer of ADA. Mr. MILLER began by imputing to the organization ideas which it has never advocated, went on to impute these ideas to Mr. HUMPHREY, despite the Senator's long and brilliant record of opposition to them as a member of the Senate Committee on Foreign Relations, and ended by imputing them to President Johnson. This is very different indeed from Senator HUMPHREY's acceptance speech at Atlantic City—of which the Miller speech was an obvious imitation. Senator HUMPHREY assailed Senator GOLDWATER by citing a series of specific RECORD votes in the Senate in which the GOP candidate himself voted in opposition to a majority of his fellow Republicans.

This is not so much gut fighting as it is gutter fighting. And the country will be the poorer if it is allowed to continue. Senate Majority Leader MIKE MANSFIELD called this attack "one of the most vicious, false and malicious documents in American political history." There is a recklessness and meanness in Mr. MILLER's kind of politicking which pose a terrible danger to the country.

Anyone who fights in this way for public office demonstrates that he does not deserve it.

There has always been a lot of roughness and extravagance in American politics. This country can take this kind of robustness when it falls within the traditional bounds of decency and good taste and when it recognizes the essential good faith and loyalty of political opponents. What Mr. MILLER did on Saturday, however, was to prove that President Johnson was quite right in his assertion that "this Nation's most important concern, as far as we can see ahead, is and should be the unity of this country."

National unity is not a product of uniformity of opinion. It grows out of the resolution of conflict through the democratic process of debate and discussion. There are real differences of opinion and philosophy between the nominees of the two major parties. They ought to be aired vigorously. Debate does not require confrontation of candidates before television cameras. It requires confrontation of ideas.

Let the candidates say as vehemently as they please what they think about the control and use of nuclear weapons, about medicare and social security, about the ways in which to assure civil rights to American citizens, about how to maintain order in the streets of great American cities, about taxes and budgetary deficits and other economic issues, about the whole long range of difficult problems facing America.

But let us put a stop now to the fracturing of America—the inculcation of hatred and distrust and the pitting of race against race, of section against section. It is for a Nation that the coming election is to choose a government. It is for the Presidency of a United States that the rivals are now seeking public confidence.

A NEW PHILOSOPHY: HUMAN BEINGS ARE NO LONGER RESPONSIBLE FOR WHAT THEY DO

Mr. TALMADGE. Mr. President, there appeared in the September 3 issue of the Washington Evening Star an excellent column by Jenkin Lloyd Jones on the "new sociology" which seems to now prevail in this country.

This, unfortunately, is the philosophy that human beings are no longer responsible for what they do, but that instead it is society that really must take the blame. We have seen the results of this new philosophy in city after city where lawlessness has become a virtual way of life for untold numbers. We have reached such a sad state of affairs that there appears to be more concern over the plight of the criminal than for the law abiding.

Mr. Jones' column is worthy of wide dissemination, and indeed I would urge that it be read by everyone who would deny the concept of individual responsibility.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

TIME FOR THE NEW-NEW SOCIOLOGY

(By Jenkin Lloyd Jones)

The coed was telling me about her year in a famous eastern university.

"The courses were just wonderful," she bubbled. "All except sociology."

"What was wrong with sociology?"

"It was so unreal," she replied. "For two semesters we sat through lectures in which evil things were discussed, but evil was never admitted. Criminals were never responsible for their crimes. Illegitimacy, child abandonment, addiction—no one was to blame except 'society.'

"The professor claimed that they would practically disappear if 'society' provided enough social workers, enough new housing and enough youth clubs. Any student expressing doubts got 'D' for the day's quiz."

Ah, me. How quickly the new becomes old.

For it was in the 1920's that the "new sociology" first took hold. It was based upon a number of perfectly sound and reasonable discoveries in psychology. Freud and Jung had revealed that a misshapen adulthood was often a manifestation of a twisted childhood, that people not uncommonly suffered from deep-seated neuroses and compulsions based on lack of love. It was pointed out that it wasn't enough to threaten a poor, old copper-gizzard drunk with the fires of Hell. Antisocial behavior needed some understanding.

But on the basis of these truths a peculiar cult arose that attempted to deny individual responsibility and to substitute for it the theory of collective responsibility, namely that of "society."

The cult took over the sociology departments on most campuses, and these departments spawned a generation of social workers drilled in the doctrine that the snarl was really a cry of anguish and the smirk only a manifestation of insecurity.

The virus spread quickly into the juvenile courts. The identity of young hoodlums was suppressed and publication forbidden in many States by law. Fathers found to their dismay that the nice young men who had married their daughters and who were soon calling from the jails had had, in fact, long criminal records, carefully concealed.

Probation became a sure thing for all but flagrant repeaters. Word got around that every kid had a few stolen cars coming to him and maybe even a burglary before there would be any punishment.

Appellate courts went so far out in "safeguarding civil rights" that the police were hobbled. In the famous Mallory decision the U.S. Supreme Court released a confessed rapist because Washington detectives had questioned him before he was arraigned.

Irresponsibility was the fruit of "social deprivation." The criminal from the good home was probably suffering from parental hostility. The criminal from the slum home was the product of society's failure to build him a nice apartment. All these alibis were eagerly seized by the weak-willed, the larcenous, and the vicious.

You could smash in a store front and carry away liquor and TV sets, but you were really only demonstrating for your freedom and dignity. It was owlishly reported that the real reason for the Harlem riots was desperation caused by the nomination of Senator GOLDWATER by the Republicans. Presumably, the San Francisco delegates should go to jail for disturbing the peace.

We have alibied crime to a point where thousands of innocent citizens are being mugged, yoked, strong-armed, robbed, and murdered.

According to the July 20 FBI report there were in the past year 8,500 homicides, 16,400 forcible rapes, 100,000 robberies, 148,000 aggravated assaults, 400,000 stolen cars, and nearly a million burglaries. In the last 5 years the population is up 8 percent and crime is up 40 percent.

So it's time for the new-new sociology. The time has come for social scientists to reexamine the record and quit trying to tailor the grim facts to fit amply disproven theories.

The dole has not improved self-reliance. The indiscriminate disbursement of aid-to-dependent-children funds has too often meant more illegitimate babies born into unspeakable homes. It is coincidental, of course, but lawlessness has grown right along with the increase in social workers, youth clubs, and low-cost public housing.

We have fallen between two stools. Punishment for wrongdoing in America is highly uncertain, and no wonder there is great confusion among the stupid and the immature as to how wrong wrong is.

Yet our correctional institutions are generally medieval, grim, overcrowded—serving only as graduate schools in crime. If half of the good citizens who are excited about muscular dystrophy would get interested in penology we might make some progress.

We need more jails, but new kinds of jails. We need surer sentences, but shorter sentences. We need judges who will show as much interest in the bleeding victim as in the duck-tailed assailant. We need more social workers who will point out that the quickest way to get out of the gutter is to stand up.

The old "new sociology" is bankrupt. Let's get back to the drawing board.

THE FUTURE OF COMMUNICATIONS

Mr. CARLSON. Mr. President, no American industry has made greater progress in the field of communications than the American Telephone & Telegraph Co. This field of communications has a great future as envisioned by Frederick R. Kappel, chairman of the board of the American Telephone & Telegraph Co., as expressed in his address before the American Bar Association in New York City on August 11.

His ingenuity and vision have meant much, not only to the company itself, but to the Nation and the world. One of the truly great achievements of the company through his leadership is the Telstar, which brings about a closer association of the peoples of the world and will mean much toward a secure peace in the future.

Those of us from the Midwest are proud to claim him as one of our own and are proud of his great record of achievement.

I ask unanimous consent that his address be made a part of these remarks.

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

NEW DEVELOPMENTS IN COMMUNICATIONS

(By Frederick R. Kappel)

A few years ago, when they were excavating for this building, I used to peek down on where we are now meeting and wonder whether the foundation contractor was ever going to get that hole in the ground finished. Now here I am, deep in the hole myself and surrounded by lawyers. Who could have seen that coming?

Actually I am delighted to be here and flattered that you asked me. This is the very first use, I understand, of this fine new room. Looking around, I am reminded of a thought from the Old Testament that was quoted at me recently. This is from the Book of Proverbs, 11th chapter, the 14th verse: "Where no counsel is, the people fall; but in the multitude of counselors there is safety."

We in New York may hope, therefore, to be reasonably safe for the next few days.

Now I am going to talk for a few minutes about communications. I hope this is all

right with you. Your committee said my assignment was to make a diversion before you get down to cases on commercial frauds, and if I wanted to talk a little shop they would not object—provided of course that I held you spellbound.

In our business we sometimes speak of the art of communications. This is a whole lot different, I might say, from the kind of art you will see if you take a tour of this building. Yet modern communications and modern painting are alike in one respect. In each of them there is a first-class revolution going on.

The revolution in communications has several elements. First is the tremendous increase in the amount of information that may need to be communicated. Somewhere I have read that human knowledge is doubling every 10 years or so. I don't know whether that is accurate or not. But there isn't much doubt that the information explosion is upon us—with more schools and more laboratories, more people learning, more paper, more books, more ink, more studies and findings, more journals and abstracts, more decisions, more appeals, more satellites pouring data down from space, more holes in more cards, more bits on more tape, and so on ad infinitum.

In short, we're loaded. We are so loaded that turning knowledge into know-how is now a major problem. We have to organize, store, catalog, and locate our information. We have to find the needle in the haystack and sometimes too we have to pick up the whole haystack and shoot it a thousand miles in the next 2 minutes.

Fortunately, however, the means for dealing with this situation have been coming along fast and well. If we have mountains of data, we also have data processors to dig their meaning. If we have complicated problems, we also have some remarkable tools and systems to help us solve them. If we have to move a dozen haystacks, we can do it in a flash over communications facilities that can handle information in any form—words, pictures, drawings, charts; symbols or subpenas, sight or sound, music or mathematics, cash accounts, or cardiograms.

This very flexibility, I think emphasizes that distinctions between one form of communication and another are artificial. There used to be a line drawn between "voice" or telephone communications and so-called record or telegraph communications—between sending information by talking and sending it in some form that could be read or seen at the distant end. But what happens to this distinction when you push a few buttons to ask a stock exchange computer the latest quotation on "Consolidated Muffins," and a voice from a tape sends back the answer?

Or think of a deaf person looking at a Picturephone—a "see while you talk" telephone—and reading the lips of the person at the other end of the line. Is this voice communication or record communication? Who could say? And why waste time trying to decide? The important fact is simply that information is being communicated.

Nowadays we can make pictures of sounds and reduce pictures to pulses that no one can see. We can slice up speech, take samples of it, translate the samples into binary digits, send these over a line, and reconstruct everything at the other end so that no one could possibly guess that ordinary words had taken such a pushing around. Suppose that by some magic you could get inside a telephone cable and watch the information rushing by. In one kind of transmission system, all you would be aware of would be a succession of pulses. Some of them might represent spoken words. Others might represent motion or still pictures. Still others might be words or data that had started life on a sheet of paper, then changed into holes on punched tape, and were now on their way to a linotype machine in San Francisco. But you could never tell which pulses were which—which were carrying speech, and which were toting pictures or data.

A particular piece of information may in fact go through several changes in format. By now we all know that a hole in a card can have the same import as a numerical or alphabetical character. Less familiar, perhaps, are the evolution of equations into animated drawings, by way of computer, and the phrasing of intelligible speech by a computer-directed machine that manufactures and transmits voice sounds as per coded instructions fed into it from afar.

These latter examples I take from recent research and technical development—but one never knows when a new development will leave the laboratory for the marketplace. And I allude to the laboratory deliberately, because our scientific people tell me in the strongest terms that while information may undergo one transformation after another, it is only the discovery and application of basic principles that permits this. Only by knowing the unifying principles can we give communications the versatility that modern society requires.

As many of you know, there exists a fundamental theory of the nature of information, by which we can test the success of our efforts to communicate efficiently. Our scientists assure me that this heavily underscores the need to attack communications problems in the light of basic, unifying principles, as I have indicated; and it equally suggests the danger of trying to wrap up certain forms of communications in one package, and other forms in another package.

I say this much on this topic because some people tend to think of different kinds of communications as being different things that can be put into separate compartments. I believe this approach, if it is pursued, may seriously interfere with the effective development and use of modern communications. This would be a great disservice to the public.

It seems to me that the communications revolution is really a mixture of two revolutions. One is the revolution in demand, the other the revolution in supply. Of course, the demand has grown out of the supply to a large degree. Just as knowledge increased when movable type was invented and books could be printed, starting 500 years ago, so today our new techniques of communicating and informing have stimulated the information explosion. Parallel and contributing factors are the complexity of social and industrial organization, the needs of government, military requirements for worldwide communications, and so on.

On the supply side, the continuing drive in the communications research and development has always been to develop systems that would do more work at lower unit cost. This has been going on for nearly a century. In the last two decades, however, it has moved progressively faster, with the development of new systems built around transistors and a whole array of devices growing out of research in solid-state physics.

An important part of the progress has been the creation of electrical pathways that can carry more and more information. This effort has been astoundingly successful and there is much, much more to come. Back in the early days telephone men learned how to handle three conversations over two pairs of wires. When I went to work in the Bell System, 40 years ago, certain techniques had been developed, and others were being worked on, to get a dozen conversations or more from a couple of pairs of wires. Then came coaxial cable and microwave radio systems that could handle thousands of conversations. Today we have new transmission systems, both cable and radio, of much greater capacity, and various types are available for long routes and short routes, for heavy traffic and light traffic, as the case may be. Today also we are developing new coaxial cable arrangements that will handle 30,000 or more conversations at a time, and we have done a lot of research work on a hollow-tube communication system, a "circular wave guide," as it is often called, with a potential capacity of several times 30,000. Looking way into the future, we can even see the possibility of vast amounts of information riding waves of light generated by lasers. These nicely organized, well behaved light beams would travel perhaps through hollow tubes, and skip around corners with the help of mirrors.

So the potentials reach out, one might say, almost to infinity. But building the highways is only part of the job. We have been hard at work also on entirely new electronic systems for routing or switching your communications wherever you want them to go. The era of electronic switching, in fact, is just now at hand. Early next year, in the town of Succasunna, N.J., the Bell System's first full-scale electronic central office will be placed in operation. Year by year thereafter, electronic switching will steadily expand until eventually—we expect around the year 2000—all connections will be established through electronic offices, and the present electromechanical switching apparatus (remarkable as it is) will nevertheless be a thing of the past.

Now the outstanding features of these new systems developed at Bell Laboratories are two.

First, they operate at very high speeds—in millionths of a second, which is thousands of times faster than present equipment operates. This great speed enables the electronic office to do more work for more people in less time.

Second, our electronic central offices will be programed in somewhat the same way that conventional electronic computers are programed. I say "somewhat" the same way because the job of programing a telephone system is unusually complex—the electronic exchange is in fact a unique special-purpose computer, and its program is "personalized" for each customer.

For example, if you have a list of people whom you call regularly, you can have your service programed so that you will be able to reach any one of them by pressing keys for two or three digits, instead of the whole telephone number. Or if you call a number and the line is busy, the electronic office will remember the number and, if you want it to, will ring both your phone and the one you want to reach as soon as the line is free.

Still another example of service convenience has often been stated like this: If you are going to a friend's house for an evening of bridge, and want your incoming calls transferred, you can press keys for a few digits before you leave and this will instruct the electronic office to send your calls on to your friend's telephone. When you come home, you can restore the status quo in the same manner.

I give these illustrations because they come readily to mind. However, I do not want you to think that the Bell System has spent more than a hundred million dollars to develop electronic switching just so you can have a telephone call track you down at the bridge table. The point of the example is simply that the electronic office will have a prodigious electronic memory; and with little difficulty this memory can be arranged so that the switching apparatus will operate in accordance with the widely varying needs and preferences of different individual customers at different times. This is a gigantic advance in communications and I believe will have greater impact than any of us can now foresee.

Incidentally, I have a few facts about this imminent changeover to electronic switching that may surprise you.

By the year 2000 we expect our investment in these electronic systems will exceed $12 billion. In a central office of average size, serving say 7,000 communication lines, there will be more than 500,000 components including 54,000 transistors.

But the quality requirements, or more precisely, the reliability requirements, are even more interesting. The most important single thing about a communication system is that it keep working without interruption. Our electronic central offices are being designed so that if some component fails to operate, an alternate unit can take over. Notwithstanding this, however, when so many parts are interrelated in function, and depend on each other, the reliability of each single element has to be very high. Thus, with 54,000 transistors at work, in order to keep failures in the whole array at a readily controllable level, we can tolerate no more than one failure in a billion hours for each transistor. This means a transistor life requirement equivalent to 10,000 years.

If this startles you, just consider what might happen if the average life expectancy were only, let us say, 10 years. In that case, with 54,000 transistors to worry about, we would have to anticipate replacing 5,400 of them a year, or 15 a day, or maybe one every 2 hours or less. And that would never do.

Just to make sure you get my point about quality, I'll add that for diodes the requirement is that there be no more than one failure per diode every 50,000 years, and for resistors, no more than one every 100,000 years. Now do you give up?

I said a moment ago that one of the two main features of electronic switching is its great speed. It is true that the average speed of connection today is measured in seconds, and is about twice as fast as it was 10 years ago. But there are important advantages in cutting down further the time required to make connections. For instance, think of a data communication system that handles maybe thousands of very short messages a day. If each message takes 10 seconds or so, it doesn't make much sense to have to spend, say, 20 seconds to make the connection. And if a computer system is involved, as it may well be, it is important to get as much information in and out of it as fast as possible, because the price is high. For such reasons, the feature of great speed is a very practical matter. Yet we can hardly wait until the year 2000 to get it. Nor will we. In the data field, work is going ahead rapidly to develop special-purpose electronic systems that will give large users of data communications the fastest, most versatile service conceivable. These will be available in the near future.

A few other points may be of interest before I close. One of the most useful new developments in communication service is what we call touch-tone calling—using a simple set of keys or buttons that take the place of the telephone dial. We are offering this in quite a few places this year and expect it will become generally available in the next 10 years or so. Touch-tone service greatly simplifies and speeds up the making of calls, and our customers' response has been wonderful to put it mildly. However that is all the sales talk I will give you. The point I want to bring out is that touch tone has another very significant potential.

This is that it may well be used for various purposes after you have made your call and the connection is established. Do you remember, for example, that early in this talk I spoke of pushing a few keys and getting a stock quotation? It was this that I had in mind: You call the computer. Then you press the touch-tone buttons for the stock you want to know about—T for telephone, maybe. And back from the computer comes the answer in your receiver.

Or your wife may well use a touch-tone telephone to order groceries. Goods will be advertised by number, and touch-tone signals will tell the retailer's computer what items, and how many of each, are to be delivered to your home.

Or if your wife is away during the day, she may use someone else's touch-tone phone to turn the oven on before she gets home. Or a credit manager can check a computer for a customer's credit rating. Or perhaps—I am not sure about this—if legal libraries are automated, you lawyers may be touch toning into computers to look up cases and references. I think a lot of ideas will be forthcoming on how touch-tone telephones may be used as personal data machines, within the next 10 years or less. And some of them, maybe quite a few of them, will turn out to be practical.

This leads to a more general point about data communications. You may tend to think of this as being the concern primarily of large corporations. But that is not the case. This country still has a lot of small businesses, thousands of them, and in the competition they face, the savings they can achieve by efficient use of data communications are extremely important.

The big business can afford a lot of paraphernalia that will cut unit costs. It may be able to prove in its own computer system as well as full-time communication channels for its own exclusive use. The smaller business, to achieve comparable efficiency, has to have access to communication systems it can share the use of with others, and it will often use these communication facilities to reach computer systems that it also shares with others. Thus the communications common carrier is vital to the smaller business, and the common carrier must be in a position to offer the small businessman the various communication services he needs if his business is to survive and grow.

We already have abundant evidence of the need of small business for common carrier data-phone services. These services are relatively new but they are increasingly used, and the variety of applications is remarkable. And they are practical and economical because, as I said, the complex and costly network of lines and switching equipment is in common usage, while the equipment that must be used and paid for exclusively by the individual customer is held to a minimum.

Now all these things I have been saying emphasize the high rate of change in communication services. We have a new technology a-building to meet fast-changing, fast-growing needs. We have new tools to use and new methods of operation to develop. And public regulation, too, like the communications companies themselves, will need to be on the alert. A couple of months ago Mr. Ben Wiggins, Chairman of the Telephone Committee of the National Association of Railroad and Utilities Commissioners, emphasized this in terms I found encouraging. The commissions, he said, must sense what the public needs and wants. They must find practical answers through sensible, informal discussion, and not rely exclusively on formal procedures of adjudication and rulemaking. In the light of changing technology and rapid obsolescence, they must allow depreciation rates that will sustain future progress. But their forward look, he added, should not be limited to depreciation studies—it should be the prevailing attitude in every phase of regulatory work.

I applaud these sentiments. To state the matter even more bluntly, the need is for more constructive action and less nit picking.

To conclude now, please don't get the impression from what I have said about data services and other new things that we have forgotten about good old-fashioned telephone conversations. We like to handle them too, as well as cardiograms. Some time ago I made a remark to the general effect that in the future as much information might be communicated in the form of data as by conversation. This has sometimes been quoted as meaning that there would be more data calls than voice calls. But I didn't quite mean that. The amount of information is one thing, and the number of calls is another. You have to remember that many machines can spill out more information in a minute than you and I could produce if we talked all day.

So the telephone conversation is not going to be supplanted—not if we can help it. And with special reference to that, if you do not remember anything else I have said today, I hope some of you may remember one thing: This is that what we are after is to make your service always more personal, more closely suited to your individual needs, more simple and easy for you to use. That is the thrust, for instance, of this whole electronic switching development, as I have tried to indicate. We have had to mechanize, to automate, in the communications business, because there is simply no other way to make generally available to millions of people a reliable, fast, universal service at a price they can afford. But our goal in life is not to choke people with digits. Quite the contrary. Our goal is to meet your needs and wishes, and I promise you we shall make every effort to do this better in the future than we have ever done it before.

Thank you.

CRIPPLING FOOD-FOR-PEACE PROGRAM

Mr. McGOVERN. Mr. President, I fully believe that when this Congress adjourns, it will have compiled one of the most impressive records in our national history. The legislative achievements in the field of foreign policy, conservation, civil rights, and education are remarkable indeed. They are a great tribute to the congressional leadership and to the Members of the Congress.

Because of this impressive record, it would be most unfortunate if the Congress should cripple one of the most successful programs of the 20th century; namely, our food-for-peace program.

Yet, that is exactly what will be the result of clauses now included in the Senate version of the food-for-peace extension. The House flirted briefly with similar crippling provisions on last Thursday but corrected its action in time to provide for the extension of a reasonably good bill.

The objectionable clauses in the Senate bill relate primarily to the handling of currencies accruing under the sale of food-for-peace commodities. The Senate version would, in effect, destroy the President's authority to use those currencies for useful purposes such as common defense and economic development.

For 10 years, Mr. President, Congress has given the President the power of using surplus currencies to promote useful programs in the national interest. What a tragedy it would be if we now cut the ground from under this important program by removing that foreign policy tool from the President.

I earnestly hope and pray that the conferees will accept the House version of the bill as it relates to the presidential use of currencies and will save us from the mistake contemplated in the Senate bill.

Food for peace has been an effective arm of American foreign policy and a tremendous benefit to the American economy. Let us not weaken this marvelous program by ill-advised congressional action.

It is unfortunate that the Senate consideration of this important program was rushed both in the committee and on the Senate floor. I personally feel some considerable regret that I permitted this to happen because of the wishes of my Senate seniors who were anxious for expeditious handling of the legislation. It is one more example of the old adage that haste makes waste. It certainly makes for bad legislation. We can only hope that the conferees will rectify this unfortunate action.

Mr. President, the editor of the Washington Post states the case very well in the Friday, September 4, issue of the Post. I ask unanimous consent that an editorial, "Crippling Food for Peace," be printed in the RECORD.

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

CRIPPLING FOOD FOR PEACE

The House turned back yesterday from the worst of the impediments that it had previously tossed into the path of the food-for-peace program. Overnight some Members changed their minds because of the damage that would have been done to war and defense efforts in Vietnam and other countries. This belated support of a flexible and workable foreign policy is salutary, but the dangers arising from the original revolt are still acute.

The trouble began when the Senate adopted an amendment designed to restrict the use of the foreign currencies acquired by the United States in exchange for surplus food. For the past 10 years the President has had discretion to use these foreign currencies in the countries where they have accumulated in the best interests of the United States. For the most part they have been spent for defense purposes in countries such as Vietnam, Korea, and Taiwan. In other countries such as India the currencies have been used for economic development.

The Senate amendment would change the rules so that such foreign currencies could be spent only after specific appropriation by Congress. On Wednesday the House, too, tentatively approved the same amendment sponsored by Representative FINDLEY as a device to cut off "back door spending." The effect would be virtually to dry up this source of funds for useful undertakings in countries where the United States is trying to help struggling independent governments and peoples.

Representative JOHN J. ROONEY, of New York, confessed yesterday that he had changed his mind because the restrictive amendment would have been a severe blow to the war for freedom in Vietnam. If our aid program is to be effective in such circumstances, a large measure of discretion must necessarily be left with the President. How could Congress conceivably know enough about local projects in Vietnam and Korea to vote intelligently on them? Congress already has more work than it can possibly do. It would be an egregious blunder for it to project itself into the spending of local currencies in other countries even though that spending may be intimately related to American foreign policy. One of the most pointed lessons of history is that the details of foreign policy and the operation of foreign aid must be left to the President and the State Department.

Fortunately, the House also knocked out the Bolton amendment designed to cut off all food aid to Egypt. At least the Roosevelt substitute adopted in place of the Bolton proposal does not name any country and leaves it up to the President to withhold aid from countries he might find to be aggressive. The House also adopted a new amendment by Representative FINDLEY intended to forbid aid to Poland, Yugoslavia, and other Communist-dominated countries. Here is a fresh encroachment upon the President's discretion in directing our foreign policies, but it was not in the Senate bill and so can be readily stricken in the conference.

There is still much to be done to restore this bill to a sound basis of policy and workability. Congress should be making food for peace an effective instrument of international relations instead of a means of hobbling and embarrassing the President.

THE WATER RESOURCES RESEARCH AND PLANNING ACTS

Mr. McGOVERN. Mr. President, last Wednesday, September 2, a statement by the senior Senator from New Mexico [Mr. ANDERSON], was delivered to the Pacific Southwest Inter-Agency Committee meeting. In the statement the distinguished senior Senator from New Mexico explained and interpreted the importance of two far-reaching water resources acts which have come out of the Senate in this Congress.

Needless to say—for all the Members of this body know of Senator ANDERSON's leadership in the presentation of water resources legislation—he was the principal author of both of the bills.

The two bills implement the report of the Senate Select Committee on National Water Resources, filed with this body in January 1961. They will, as the Senator from New Mexico told the interagency group, "vastly strengthen our ability to deal with critical water problems."

Mr. President, I am sure Senator ANDERSON's explanation and interpretation of these two important acts will prove valuable to Senators, students, and the experts in the water field. I ask unanimous consent that his statement be printed in the RECORD.

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

STATEMENT BY SENATOR CLINTON P. ANDERSON AT PACIFIC SOUTHWEST INTER-AGENCY COMMITTEE MEETING, SEPTEMBER 2, 1964, ALBUQUERQUE, N. MEX.

I regret that congressional business prevents me from joining you today. Earlier in the summer, I was delighted to accept the invitation to speak to you on the subject of water—which is of vital interest to us all. It is a subject which not only we in the Southwest have fought over and debated for decades, but has also been the subject of controversy in other States and in arid parts of the world. We recognize and appreciate now that fulfillment of the Pacific Southwest's potential lies in a regional unified approach to water problems.

With only the possible exception of the 73d or the 74th Congresses in the early New Deal days, the current 88th Congress has enacted more significant resources and conservation legislation than any Congress in history. The list is a long one, and it includes such outstanding legislation as the Land and Water Conservation Fund Act putting a firm financial foundation under expanding State and Federal recreation development programs; the Wilderness Act; and a host of specific authorizations of water development projects, national park and national seashore areas, and other recreational areas; and, in some ways most significantly, certain basic continuing programs to add to our ability for resources conservation and development through planning and research. In the latter category are the enacted Water Resources Research Act of 1964, and the pending water resources planning bill. I expect the planning bill to be enacted before Congress adjourns.

While the passage of legislation to provide funding authority and direction is, of course, an important basic factor, I know it is not enough. The solutions to regional and national water problems depend as much on the solution of social, legal and political conflicts as they do upon technical and scientific answers. The Water Resources Research Act of 1964 provides the basis for a decentralized water research program that may go far in providing a unity of purpose and coordination in determining the best method of approach to the water problems. The water resources planning bill will provide the mechanism for regional planning but can do little in the area of social, political and legal problems involved without the cooperation and good will of all participants.

If water that now evaporates or is otherwise lost could be saved, a much larger population could be supported in the Western United States. If even a portion of water now used by agriculture could be diverted to industry, regional income could be increased manyfold. Before these things can be accomplished, there must be planning and cooperation on a regionwide basis, rising above local and State jealousies and ambitions.

The future of the arid West still hinges to an awesome extent on the answers that can be provided by scientific research; but, even more, it depends on public understanding of these answers and the willingness to act on this new knowledge in place of old prejudices and traditions.

In the field of natural resources and conservation, the legislative accomplishments of this Congress extend from research on the fisheries of the Great Lakes and inland waters to wilderness areas in the High Sierras, and from the mining areas in the Appalachian region to the phreatophyte bosques of the Pecos River. I am confident that this Congress, before it goes home, will pass legislation to set up a major phreatophyte control program in the Pecos Valley.

The passage of productive water legislation is timely. Present and impending population growth is rapidly outdistancing available water supplies. With the prospect of the population of New Mexico more than doubling by 1980, it is reasonable—and probably conservative—to expect at least a doubling of the 125,000 acre-feet consumed in 1959 for municipal and industrial use. The same trends apply to most Southwestern States.

The Senate Select Committee on National Water Resources in 1961, on which I served, called for markedly increased research in all phases of water resources conservation and developments.

Such research makes eminent good sense. Let me illustrate why I have confidence in the promise of research. In 1958, I sponsored legislation to authorize the Department of the Interior to construct and operate saline and brackish water conversion demonstration plants. Some of us in Congress felt that 1960 was not one bit too soon to start acquiring information and competence in the construction and operation of large-scale conversion plants. But there were others who thought that this was unrealistic and visionary.

When Castro shut off the flow of fresh water to the U.S. Naval Base at Guantanamo, the Navy arranged to move the Interior Department saline water demonstration plant—built under the 1958 legislation—from near San Diego to Guantanamo. It halted our dependence for water upon the unpredictable moods of Castro. It was cheaper and more rational to move the saline water plant instead of following one suggestion recently made that we should have sent Marines to restore the supply pipeline. The consequences of such an act could have been chaotic.

In the roster of legislative accomplishments of the 88th Congress, the Water Resources Research Act of 1964 is among the most worthy in its contribution to economic development and well-being of the people of the Nation. In 1962, upon the 100th anniversary of the Morrill Act, I commented at New Mexico State University that just as the land-grant universities have transformed American agriculture into a miracle of production sufficient to banish malnutrition, not only in the United States, but throughout the world, so also in the coming decades the universities can lead the way to transforming present hazards of water shortage into assurance of water adequate in quantity and quality to meet the requirements of our expending population and economy. Today, I feel even more strongly that this possibility is about to be realized.

New Mexico and other Southwestern States are not newcomers to water research and related studies. Thunderstorm studies were started at the University of New Mexico in the 1930's—and at the New Mexico Institute of Mining and Technology in the mid-1940's and are still continuing.

The Institute of Atmospheric Physics at the University of Arizona, created in the mid-1950's, has expanded programs in arid zones climatology, cloud physics, radar meteorology, atmospheric electricity and dynamics. The recently created Desert Research Institute of the University of Nevada and the National Center for Atmospheric Research in Boulder, Colo., also plan water and arid zone programs.

The Water Resources Research Act of 1964 became law last July 17 when it was signed by President Johnson. In signing it, he warmly commended and endorsed the measure saying that it fills a vital need.

Let me review very concisely just what the Water Resources Research Act provides. Title I authorizes financial support for one water resources research center in each State, with the funding beginning at $75,000 per State in the first year, $87,500 in the second and third years, and $100,000 in the fourth year and annually thereafter. The act provides that the institute shall be established at the land-grant college or university unless an act of the State legislature makes some other designation. In States with more than one land-grant institution, the Governor shall designate at which one the State center is to be located. In addition to providing the annual allotment to the State water resources research, title I also authorizes grants toward the cost of specific water resources research projects at the institutes. The amount of the appropriation authorized starts as $1 million in the first year and goes by $1 million increments annually to $5 million in fiscal year 1969, and continues at that level thereafter.

Title II authorizes grants toward the cost of specific water resources research projects related to the mission of the Department of the Interior. This financial assistance may be through grants, contracts, matching, or other arrangements with educational institutions other than those establishing State institutes, private foundations, or other institutions, private firms and individuals, or State, local or Government agencies. The authorization for title II is $1 million per year for 10 years beginning with fiscal year 1965.

The act places strict responsibility on the Secretary of the Interior to assure the technical competence and the substantive merit of the research undertaken pursuant to the act even though the intention is that the initiative for research shall be with the universities.

Title III further emphasizes this point. The Secretary is required to obtain advice and cooperation of all agencies of Federal, State, and local governments—and of institutions and individuals—to assure that the program does not duplicate other established programs. This is designed to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationwide program of water and related resources research. There is, of course, a disclaimer that any authority is given to the Secretary over the water resources research conducted by any Federal agency or in any way to interfere with the relationship between State universities or other State agencies, the State legislatures or officials.

The act explicitly gives the President specific directives for clarifying Federal agency responsibilities in water resources research for providing interagency coordination of such research, and the establishment of a center for cataloging current and projected scientific research in all fields of water resources.

The insistence by Congress for coordination is in recognition of the fragmented, overlapping, and uncoordinated research experienced in the past.

The development of such coordination, and of the coordinated Federal program envisioned by the select committee, has been underway through the Council for Science and Technology since President Kennedy directed that group, in February 1961, to determine ways to strengthen the total Federal research effort relating to natural resources.

There are a number of things which the Water Resources Research Act does not do.

It does not supplant Federal inhouse research on water problems, nor Department of the Interior inhouse research in the field. The water related research of the Department of Agriculture, the Corps of Army Engineers, Health, Education, and Welfare, Commerce and other Departments will continue, as will the work of the Geological Survey, Fish and Wildlife Service, Bureau of Reclamation and other agencies within the Department of the Interior. The Interior Department's saline water conversion program will continue and the hope is that the Bureau of Reclamation's small beginnings on weather modification in the Upper Colorado and Upper Missouri River Basins will be expanded speedily in size and geography.

The Secretary of the Interior has established the Office of Water Resources Research to administer the act as a unit independent of any one of the several subordinate bureaus or agencies in the Department dealing with a limited field of water problems.

The missions of the Department of the Interior are widespread. Geological Survey is concerned with basic research into the nature of water and all aspects of the hydrologic cycle. The Bureau of Reclamation, the Bureau of Outdoor Recreation, the National Park Service, the Bureau of Land Management, the Bureau of Mines, the Bureau of Indian Affairs and the Fish and Wildlife Service among them have water problems common with every geographic area in the United States.

Parallel with the Water Resources Research Act is the water resources planning bill. Like the Research Act, the planning bill also grew out of one of the recommendations of the Select Committee on National Water Resources. The committee recommended that for each river basin that does not now have one, an overall plan should be made for the conservation and full development of its water and related land resources. President Kennedy accepted that recommendation and instructed the executive departments to schedule necessary action for completion of the needed river basin plans by 1970.

The water resources planning bill is now awaiting final congressional action. Its need has been recognized and stressed by the late President Kennedy and by President Johnson.

The water resources planning bill incorporates four very important and novel features. The first of these is legislative recognition and provision for comprehensive river basin planning taking into account all interests in water resources from municipal, industrial, and agricultural uses to recreational, wildlife, and scenic values.

The bill also recognizes and makes legislative provision for the inseparable and related land resources that must be taken into account in planning the water resources. The second feature of the bill is that it recognizes the need for and makes provision for a Water Resources Council to coordinate Federal water policies and planning. Third, it provides for Federal-State mechanisms in the river basin commissions—the first such Federal-State arrangement that is given general application for natural resources to my knowledge. And the fourth important feature of the bill is provision for grants-in-aid for strengthening State participation in water resources planning—long recognized as being inadequate, to the disadvantage of both the States themselves and to the Nation as a whole.

There is a tendency to look upon the natural resources problems as primarily problems of engineering and technology. Without question technological development has and will play an importnat role in making arid regions habitable for large numbers of people. The possibilities inherent in desalinization of sea water, demineralization of brackish waters, a better understanding of cloud physics and chemistry, the complexities of ground water, the controlling of atmospheric vapor, and the reduction of surface exaporation are all areas in which science and engineering can make their greatest contributions.

But modern technology without effective public management and implementation is useless to satifying man's needs. For this reason, it is important that we continue to examine critically the manner in which we have managed our national water resources through our public institutions. To understand the actions of public institutions involved in developing and managing water resources requires an analysis of many facets of our society. Resources policy and management decisions are seldom made on the basis of uncontested objective evidence. They are the results of contending interests which often express conflicting values. Vested interests can look at the same set of facts and reach different conclusions. It is also obvious that any discussion of national resources policy leads inevitably to an analysis of the economic issues involved.

To proceed with legislative and technical remedies without a change in the legal, social and economic values used in the past to make decisions concerning resource utilization in general, and water in particular, is following the leaky faucet concept—time, money, and effort are put into one end of the water system and then wasted and squandered at the other end.

The two measures, one for research and one for planning, together will vastly strengthen our ability to deal with the critical water problems that exist in all portions of the United States. They are not by any means perfect in their present state. Nor

are they the final answer. As we work with them, undoubtedly there will be need for modifications and refinements. But by these two enactments, the 88th Congress has laid a firm and enduring foundation and framework on which can be built the action programs needed to assure to every American a water supply adequate in quantity and in quality to meet his requirements in the decade ahead.

A DIALOG BETWEEN CULTURES

Mr. INOUYE. Mr. President, in the July 18, 1964, issue of the Saturday Review, there appears a most interesting article entitled "A Dialog Between Cultures," written by Stephen W. Bartlett.

The article relates to the birth, development, and progress of the Center for Cultural and Technical Exchange Between East and West located in Honolulu.

I believe this article is worthy of the consideration of all Senators. Therefore, 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:

HAWAII'S EAST-WEST CENTER: A DIALOG BETWEEN CULTURES

(By Stephen W. Bartlett, a freelance writer and Hawaii resident)

On an April day in 1959, when Lyndon Baines Johnson was majority leader of the U.S. Senate, he tossed this question into an audience of newspaperwomen: "Why don't we foster truly international centers of learning where the world's best and most mature minds can meet and exchange ideas?" For example, Johnson continued, such a center in Hawaii "could serve as a meeting place for intellectuals of East and West."

When wire service accounts of the Senator's speech reached Honolulu, an answering ripple immediately came back across the Pacific. "Your wonderful support of our long-cherished regional hopes is enthusiastically greeted," read the cablegram from Laurence H. Synder then president of the University of Hawaii.

The regional hopes of Hawaii, particularly on the eve of statehood in 1959, centered in that community's desire to serve the United States in a way appropriate to its unique human resources. For the people of Hawaii regard themselves as a symbol and a demonstration of men and women of differing racial and ethnic backgrounds creating together a viable, progressive society. Dr. Synder, in his cablegram, reminded Senator Johnson of this and of the University of Hawaii's long experience in Asian studies and international conferences and training programs.

Eight days later a draft proposal for an educational and research center bringing together participants from the United States and the Asian-Pacific area was airmailed to Johnson from a University of Hawaii faculty committee. Art professor, Murray Turnbull, chaired the committee and later led the fledgling institution that came out of his committee's proposal through its first critical year. The outline he sent to Johnson became the basis for a congressional bill authorizing a grant-in-aid from the U.S. State Department to the University of Hawaii. In October 1960 the Center for Cultural and Technical Interchange between East and West was founded. The new institution was charged with a mission that has history-shaping potential: the promotion of mutual understanding and cooperation among the countries of the Asian-Pacific area and the United States. In less than 4 years, an exciting idea has taken concrete and practical shape as fast as brains, inspiration, and $26,740,000 in Federal funds could accomplish the feat. Six handsome buildings have sprung up at one end of the lush University of Hawaii campus. A highly qualified staff has been recruited. In recent months the broad scope of the institution's several programs has been brought to focus on specific objectives.

Three categories of persons from the Asia-Pacific area and counterparts from the United States are brought to the East-West Center, as it is called. Men of established professional reputation and accomplishment who hold positions at the national policy level in their home countries, usually in education or government agencies, are invited to the Center for research, reflection, and exchange of ideas. These are the men with whom Johnson's original suggestion was concerned. In addition there are graduate students, selected for their potential leadership, who are awarded 2-year scholarships that enable them to eat, live and study together on the Honolulu campus. They are enrolled in regular University of Hawaii classes. Persons in the third category—embracing such extremes as teacher and doctors on one hand and dressmakers and coconut growers on the other—are provided with vocational and technical training.

Twelve hundred men and women have completed work or study on the Honolulu campus and have returned to their homelands to further the objectives of the Center in their daily occupations. Among them are doctors and nurses gathered from the scattered islands of the Pacific. They brought with them to contribute to the program their special experience and knowledge of practicing medicine under tropical conditions and have now returned to their posts after 6 months of refresher courses in up-to-date techniques. Several of the first graduates from the 2-year student program have accepted positions serving top echelons of government in their home countries. One of the first books published by the East-West Center Press, authored by a Philippine professor of public administration, is in part the product of a year of research at the Center. It offers to developing countries a detailed analysis of the Philippine struggle against graft and corruption. Research and writing done at the Center by Scholar Nghiem Dang is helping to guide public administration changes now underway in strategic South Vietnam, his homeland.

Led by its first chancellor, Anthropologist Alexander Spoehr, the Center geared its programs to the needs of the Asian-Pacific nations. Asian-Pacific students are selected on the basis of their potential contributions to their homelands, and in screening American applicants the Center is particularly interested in those preparing for oversea careers in that part of the world, whether serving U.S. universities, Government, or business. Research and training projects usually focus on problems of development in Asia and the Pacific, whether economic, social, political, educational or agricultural. Unlike the Fulbright, Smith-Mundt, and other programs that, at the post-doctoral level, may involve projects with a similar focus, East-West Center programs are "founded on the assumption that we (Americans) do not have the answers, and that we need to know more about the conditions in these countries if adaptations are going to be made to their special conditions," in the words of a Center administrator. Accordingly, Americans and Asians working on research and training projects are brought to the Center as collaborating equals.

Here, at last, Uncle Sam's condescending stance as mentor to the underdeveloped countries of Asia is altered. For the word "interchange," as it appears in the formal title of the Center, contemplates a two-way flow of technical and cultural thinking, wherever possible on creative levels, frequently promoting synthesis. If honestly implemented, the idea of interchange constitutes an acknowledgment that Uncle Sam has something to learn from Buddha, and Confucius, or from a Burmese rice farmer, and a Japanese businessman.

Anticipating the fruits of honest interchange, Saturday Review greeted the East-West Center's founding in 1960 with an enthusiastic forecast that the Center "may do more for U.S. relations with Asians than any other plan yet concocted in the marble halls of diplomacy." But this enthusiasm has hardly become epidemic. The Center is earning identity and respect in educational and governmental circles of Asia, where its reputation reaches even into the hinterland. (One student from an isolated Nepalese village walked 28 days to make application for a scholarship at Kathmandu.) The Center is practically unknown, however, in the land that sponsors it. Popular ignorance of its existence has made it vulnerable to Congressional indifference and even hostility. At appropriations time last year the Center's program barely escaped emasculation by the House Subcommittee on Appropriations for the Department of State. The Center's budget was slashed more than 20 percent, from $5,700,000 to $4,500,000, though later it was partially restored (to $5,100,000) in a Senate-House conference committee.

The relationship of the Center to the University of Hawaii and the operation of the Center's advanced research program are the bones that regularly stick in congressional throats at appropriations time. Though the Center has been running well internally, its external lines of control, responsibility, and authority have been snarled in a knot of contention. Up to the present, the chancellor of the Center has been responsible to the university's board of regents and has reported to them through the president of the university, Dr. Thomas H. Hamilton. To what degree the Center was an autonomous operation has never been clear. (Dr. Hamilton has been acting chancellor since the resignation of former chancellor Alexander Spoehr late last year.)

A recent report to the State Department by a special commission headed by John W. Gardner, president of the Carnegie Corp., is almost certain to affect next year's hearings. Authored by Roy E. Larsen, chairman of the executive committee of Time Inc., and James M. Davis, a vice president of the Institute for International Education, the report recommends that "the chancellor of the East-West Center * * * be under the administrative responsibility of the president of the University of Hawaii." It also urges that some buildings be constructed and used jointly, and that the Center press merge with that of the university. Larsen and Davis state that a large degree of autonomy for Center programs is desirable, but that cooperation is essential.

There is little doubt that the report will be broadly implemented, since it was released by President Johnson personally and carries his approval. Hamilton insists that that it means no less autonomy for the Center, that it only guarantees there will be full discussion in every case of overlapping activities of the two institutions—a procedure that has not always been followed in the past. For this reason he does not believe that the new definition of Center-university relations will in any way compound his difficult task of finding a man with the proper qualifications to take over the chancellorship. Hamilton has been asked by the State Department to take the lead in searching for a successor for Spoehr.

The appointment of a national review board was another major proposal of the Larsen-Davis report. It balances the report's recommendations for tying the Center closer to the university by providing formal

representation of the national interest in the Center. President Johnson has appointed as the Board's Chairman, Gov. John A. Burns, of Hawaii, and has directed Secretary of State Rusk to fill out the board with outstanding citizens who will "review continuously the program and operation of the East-West Center from the standpoint of the national interest" and advise the State Department.

Though the State Department's official line of control will continue to run through the university's board of regents, the instituting of the national review board, plus the recent appointment of a liaison with the Center, will give the State Department a firmer finger on the pulse of Center operations. (Harold E. Howland, Deputy Director of the Office of Far Eastern Programs in the State Department's Bureau of Educational and Cultural Affairs, has assumed the new post of Special Assistant for East-West Center Affairs.) If the Larsen-Davis report is fully implemented, it will be important to enlist the sympathetic cooperation of Congress, for it will be faced over the next several years with escalating budget requests. Larsen and Davis recommend $6,300,000 for fiscal 1965 (compared to the $5,300,000 the House authorized); $9 million in fiscal 1966; $10,200,000 in 1967; and $10,500,000 by 1970. Budget planning in increments of 3 years was also proposed.

Anyone who has ever struggled to launch a new idea will find no surprise in the fact that the seas surrounding the East-West Center have not been uniformly pacific. Stormy appropriations hearings result, in part, from crosscurrents of controversy that began the day Senator Johnson proposed the University of Hawaii as a "meeting place for intellectuals of East and West." There were immediate challenges to the qualifications of both the university and the Honolulu community. In 1959, when Johnson made his proposal, the University of Hawaii had an enrollment of less than 9,000, a library of only about 300,000 bound volumes, and was obviously not so well rounded in academic resources as many another potential site for an international research and educational effort. Furthermore, it was argued, Asian students coming to the proposed Center would hardly see a representative American community in Hawaii.

Part of the answer given to these criticisms appeals to the university's special academic strengths, which happen to correspond with the patterns of need in most Asian countries and with the interests of Americans wishing to study Asian topics. For the Asian-Pacific student the University of Hawaii provides strong departments in agriculture (particularly tropical agriculture) and soil science, geological sciences (particularly volcanology and marine geology), meteorology, political science, and zoology (particularly marine biology), and his a respected teachers' college. American students, who are required to major in some aspect of Asian or Pacific studies at the Center, find the university strong in Asian languages and in the fields of anthropology, Asian art history, Pacific and Asian history, Asian and comparative philosophy, and in its special interdepartmental Asian studies program. Also the library offers extensive collections of Chinese and Japanese works—collections built up before World War II, when the university boasted a preeminent faculty in Asian studies.

A variety of appeals are made in defense of Honolulu's special qualifications as seat of the East-West Center, but two are particularly forceful: Hawaii's Oriental-Caucasian, multilingual population provides for both Asian and American students an adaptive stepping stone toward more foreign situations. Secondly, the community is a unique example of the ideal of racial and ethnic harmony that underlies the Center, and, so the argument goes, a model situation makes a better setting for the Center than a community with racial tensions that might reach into the student body.

However, each of these reinforces the objection that Hawaii is not a typical American community. In recognition of the fact that exposure of students to more representative locales is important to the cultural interchange goals of the Center, a unique feature has been built into the student program. After 9 months of studying in Hawaii, the student may qualify for field study, which sends the American to an Asian or Pacific institution appropriate to his interests and the Asian or Pacific student to an appropriate institution on the U.S. mainland. Following field study the student normally spends a final period in residence at the Center, consolidating has academic work and enriching multicultural interchange with insights gained during field study.

Since there are more than 70,000 foreign students in the United States, of which more than 25,000 are Asians, the East-West Center cannot justify itself by being just another student exchange program with frills. It must be essentially different. The Center's genuine innovations are the principle of interchange and the concentration of its training, education, and research on a limited geographical area.

But it is because of this concentration that the Center has hardly yet begun to fill out the shape of a world university that editor Norman Cousins and others see in the shadow of its future. Given its present and projected limitations of budget and interests, it seems unlikely that the institution ever will fill its own shadow. The Center involves participants from 27 Asian-Pacific countries and the United States, but it takes more than a collection of international bodies and minds to make a world university. Dr. Arthur Feraru, one of the bright and imaginative young men in the Center's predominantly youthful hierarchy, defines a world university as one that prepares students to live in the world as well as in their own countries and is therefore concerned with the knowledge, values, ideas, and points of view of all cultures. This definition, if accepted, implies an international faculty and a multicultural curriculum, both of which the Center and the University of Hawaii are on their way to providing. The East-West Center, however, chooses its research and technical training participants largely from those interested in a relatively narrow segment of the academic spectrum, neglecting the humanities in the process (though not ignoring them), whereas Dr. Feraru's concept of a world university implies catholicity, not concentration.

If the traditional Western academic disciplines do not provide an adequate measure of a would-be world university, then another standard might be the university's breadth of concern with intersocietal problems—"the human condition and the human potential," as Mr. Cousins called it. Here again, in order to achieve maximum effect on a limited budget, the Center deliberately narrows its focus to the problems and potential of Asia and the Pacific. The alternative would be to include among its research projects, for example, studies of such East-West problems as city planning and urban transportation, mental health in an urbanizing, crowding world, or the preservation and promotion of esthetic dimensions under conditions that couple mass communications with the dominance of quantitative standards appropriate to an industrializing world.

One of the directions in which the East-West Center could move, then, is toward a world university. In the meantime it has become, if a more specialized instrument, nonetheless a unique and vital one. Though its entire program stresses Asian-Pacific development, toward this end it has applied its principle of cultural and technical interchange.

The Institute for Technical Interchange is a case in point. One of the three major divisions of the Center, the Institute of Technical Interchange schedules grassroots and nuts-and-bolts programs and projects, and it contracts to train personnel, principally for the Agency for International Development.

Under the leadership of Y. Baron Goto, the Institute for Technical Interchange will become increasingly concerned with problems of the Pacific islands, though not to the exclusion of Asia. Dr. Goto sees the Pacific as the neglected backyard of the United States. He plans to focus on four Pacific problems: (1) health; (2) training of islanders for food production; (3) education, particularly the teaching of English as a standard language, and career and vocational training for wommen and youth; (4) management training, for business and self-government.

A dollar-streaching criterion for Institute for Technical Interchange projects is that every participant must be in a position to train others when he goes home and back to work. For example, one group brought from five Asian countries for the first of the Institute for Technical Interchange's 4-month courses in educational communications included a school principal, educational consultant-advisers, a speech professor and broadcaster, and teachers assigned to radio or TV work. The course focuses primarily on teaching the educational use of TV—a tool that seems the providential answer to Asia's staggering problems of mass education.

Institute for Technical Interchange participants from Asia and the Pacific are regarded as the experts on home-country conditions, and interchange of knowledge becomes the tool for adapting Western technology to special field conditions. In the educational communications course, for example, each participant draws up detailed plans for audio-visual presentation as part of a total curriculum outline for his home country. Similarly, in the 6-month courses for fiscal and personnel administration to which managers in the middle echelons in these fields are invited from Asia and the Pacific, each participant submits a plan of changes he would recommend for his own office at home.

It is the Institute for Technical Interchange that will be hurt if House cuts in the Center's budget requests this year are not restored, since the Institute for Technical Interchange, being most recently established of the Center's main divisions, has the fewest advance commitments. Center administrators estimate that they will have to make an 80-percent cutback in Institute for Technical Interchange programs if they don't get more money.

Last year it was the Institute of Advanced Projects, the Center's advanced research arm, that was most directly threatened by House cuts. In that case Congress chose its own victim, a program known as senior specialists in Asian-Pacific affairs. This program, along with a related schedule of international seminars and conferences, is at the core of the Institute of Advanced Projects, and it earned a strong endorsement from Larsen and Davis. Under the senior specialists program, men of established professional standing from universities and colleges, Government agencies, and research institutes come to the East-West Center for reflection, research, and writing in an international academic community. Sixty-four such scholars have been in residence, usually from 5 to 10 months. They come by invitation and are normally expected to work on given, though broadly defined, projects and to work in small groups of specialists concerned with the same project.

One group of four senior specialists, representing the Philippines, Thailand, the United States, and Vietnam, did research on the role

of public administration in economic and social change. Two speicalists from Fiji and the United States researched problems of urbanization in the Pacific area. The 10 projects currently underway range from studies on educational planning in relation to national development, through language research and translation projects, all the way to research on problems related to airglow and other aspects of upper air physics.

When Center officials appeared before the Appropriations Subcommittee last year the senior specialists program was still called the senior scholars in residence program. The name was changed admittedly to make the concept more palatable to Congressmen, but it reflects as well a shift from interest in the humanities and cultural subjects. For example, in an earlier season at the Institute of Advanced Projects, four philosophers from India, Japan, and the United States investigated the relationships between logic and language in Eastern and Western thought. According to Dr. Edward W. Weidner, chief of the Institute of Advanced Projects, this study brought heavy criticism from legislators, including Hawaii's own delegation to Congress.

By the time of appropriations hearings last year the shift toward technical subjects was already well underway. Dr. Weidner's written statement to the Senate committee revealed that 1964-65 projects will further emphasize this shift. The "senior scholar program was revised in order to * * * provide for greater concentration on the technical problems of Asian countries," his statement read. "The request for 30 grants (for 1964–65) is based upon plans that call for 90 percent of the awards to be made in these applied areas and 10 percent on the broader cultural fields."

This is the program of which Dr. Spoehr said, in a statement prepared for appropriations hearings, "To my knowledge it is the only program of its kind in the world—a continuing program in which professional leaders at the national policy level are brought together as equals to exchange ideas and to undertake collaborative study of problems of mutual interest. I submit that this program comes closest to fulfilling almost immediately the mission assigned to the East-West Center." The senior scholar program, said Spoehr, was vital to the Center.

The Appropriations Committee responded by cutting senior scholar funds out of the budget altogether. Then, in September, when restoration of House cuts was under consideration in the Senate subcommittee, congressional fire was concentrated on the senior scholarships. "Actually," said one committee member, "it seems to be more of a spending program than anything that is really constructive * * *. I don't go along with this thing of sending people there for a year's conference * * * just to talk among themselves and go back home. I don't see any good from that."

Fortunately, dedicated politicking by the Representatives and Senators from Hawaii and others accomplished, in the end, a partial restoration of the deleted funds. But the entire episode suggests that a publicly funded program unprotected either by broad and informed popular support or by convention will have difficulty maintaining its integrity and continuity. Though continuity of the IAP program was finally insured, there is a suggestion in the shift of the program toward technology that its integrity has been eroded. "When I took over IAP," Dr. Weidner admits, "I veered in this direction—toward technology—because I thought Congress would not support the humanities-oriented program." But Weidner points out that public funding influences the direction of any educational program. "When you are the recipient of public funds," he says, "you are in politics, and you shape your program to gain a support base."

Weidner revealed, though, that attempts will be made in the next 18 months to obtain some endowments for specific programs within the center and to attract supplementary foundational help for other proprograms. He expects $300,000 to $400,000 in private help during the next year and a half. Dr. Hamilton believes that the governments of Asia might in time be persuaded to help.

The shift toward developmental and technical subjects is in part a reflection of Weidner's judgment that "whether the people in the humanities like it, their day is past. The leaders in the underdeveloped countries are the nation builders—the people in agriculture, economics, administration."

Important as these considerations may be, there will be those who will question whether an emphasis on technical subjects in an institution that exists to promote intercultural understanding is more to the point than an emphasis on the humanities. Economic determinists may remind us that the chief needs of Asian-Pacific countries are technical and developmental. Perhaps they will be answered with the observation that the need for intercultural understanding is the relevant criterion here, and that this need springs from a subtle ground of differing value systems, which are best expressed and communicated through the humanities.

In Weidner's view, though, conflict between humanities and technology is irrelevant to the Center's program, which should be seen as problem oriented. "These project labels are not disciplines," Weidner insists. "They are problem area labels, and they are as much for philosophers as for anyone else." He says he would like to see philosophers tackle such a problem as how to find a basis in mass fatalistic attitudes for the acceptance of health programs. "But almost none of the people in humanities are interested in such contemporary problems."

The East-West Center's best attempt at striking a balance between cultural and technical emphasis is the Institute for Student Interchange. Student recipients of the 2-year grants are expected to participate in cultural performance and seminars, do language tutoring, write articles, or otherwise contribute to intercultural exchange.

Both the men's and women's dormitories at the Center are designed to promote maximum interchange through everyday living experiences. Students from different nations are mixed, 2 or 3 to a bedroom, 10 to a living room around which bedrooms cluster.

Nearly all of the 580 Institute for Student Interchange students currently enrolled are graduate degree candidates, the exceptions being from those few nations where undergraduate work cannot be completed. English language ability is a requirement of selection, though some Asians need a period of intensive language study before they can keep up with their classes. One out of three students comes from the United States, and the majority of these are recent graduates under 25 years old and plan to be teachers. About half of the Asians are 30 to 40 years old, and most will return to previous employment when they leave the Center program.

Because graduate degrees are a rarity in most Asian nations, and because Asian students are returning to positions that are frequently on rungs not far below the higher echelons in their countries, it is expected that a good proportion of the Asian alumni of the Center will be among their nation's policymakers within a decade or two. This likelihood is increased because they were chosen to study the subjects most needed at home. For many readers this will be sufficient vindication of the East-West Center's preoccupation with international development. Consider the case of Eduardo G. Corpuz, whose master's thesis was on agricultural development and policy in the Philippines, as they relate to the rice problem. He left the East-West Center in the spring of 1963 and is now in charge of agricultural policy, plans, programs, and information in the Program Implementation Agency of the office of the President of the Philippines. "My present position," he recently wrote to a friend at the East-West Center, "is, I believe, more a reflection of the dearth of available trained personnel than of my ability, which is undoubtedly very limited * * *. The rice problem continues to face our country and people. This is a problem which I have been studying for quite some time. I like to flatter myself that this is one problem which I understand. Our division has been recommending measures that we hope will go a long way toward solving the rice problem * * *. If we should finally succeed in licking the rice problem on a permanent basis within the next 10 years, the [East-West] Center might reasonably claim some credit for the feat."

Or there is the case of Leo A. Falcam, who, after earning his B.A. in sociology with a minor in government and public administration, returned to Saipan to become assistant political officer of the trust territory of the Pacific. His duties sent him traveling over 3 million square miles of ocean in order to help inhabitants of about 75 islands organize local governments or study legislative problems. He has since been promoted to the office of assistant district administrator of the Ponape district, highest position ever filled by a Micronesian in the government of the trust territory.

The student program is producing a dividend that was not generally anticipated. In all the early rhetoric about "building a bridge between East and West" little attention was given to the possibility of improving understanding between East and East. The educated youth of free Asia tend to be Western oriented in their interests even before they come to this country for graduate study, and by rubbing shoulders and minds at the East-West Center they are discovering they knew relatively little about their neighbor nations. Friendships founded at the Center and understanding that got its start there may well form a basis for future improvement in relations between India and Pakistan, for example, or Malaysia and Indonesia and the Philippines. Toward the general end of continuing improvement in international understanding, an East-West Center alumni association has already been organized, and many Asian alumni are maintaining correspondence across national boundaries. One antidote to crippling ultranationalism in Asia is this larger perspective provided young orientals who study and live together in Hawaii. Here is a great potential. And it springs from the Center's unique dedication to interchange, a mission that marks it off from other American institutions where foreigners study but too often isolate themselves in student communities of their own countrymen.

Ideally the East-West Center should be a wholly endowed program, free of influence. This would remove it from the most serious threat to its integrity: the danger of becoming a tool of U.S. foreign policy. It might also open up the possibility of making the Center truly an East-West undertaking, involving participants from Europe as well as from the United States.

With the Center's annual budget approaching $6 million, however, complete endowment of its program would require something over $100 million.

If complete endowment is not to be expected, then it is to be hoped that private endowment of particular programs within the Center can eventually be arranged, as Dr. Weidner has suggested. Surely, in a world so well prepared to carry misunderstandings to ultimate lengths, encouragement must be given to studies that aim simply to estab-

lish links of rapport—and where are such studies more appropriate than at the East-West Center? Yet a philosophers' study of language and logic relationships was censured by public purse-string holders. Had they found time to read the conclusions and papers of those philosophers, the critics might have been startled to find the suggestion that speakers of essentially different languages—such as Chinese and English—have a logic barrier between them as well, since the grammatical structures of language tend to predetermine and limit thought. What discovery could be more fundamental to solving problems of worldwide understanding and cooperation?

ARMS CAN NEVER MAKE US INVULNERABLE

"I have reviewed the report on the East-West Center, prepared at your request by the U.S. Advisory Commission on International Educational and Cultural Affairs.

"As you know, the establishment and the development of the East-West Center has been a matter of personal interest to me, so I am very happy to have the Commission's report that remarkable progress has been made in the brief period since it was authorized.

"I was proud to have had the privilege of presenting the dedication address for the Center in May of 1961. The report quotes from that address a comment which I would reemphasize today: 'Arms can never make us invulnerable nor our enemies invincible, but the support we give to education can make freedom irresistible.'

"I hope the report can be read widely."—From President Lyndon B. Johnson's letter of May 6, 1964, to Secretary of State Dean Rusk, accepting the Larsen Report on the East-West Center.

THE LARSEN REPORT

Four months ago, the U.S. Advisory Commission on International Educational and Cultural Affairs submitted a 43-page report on the East-West Center to Secretary of State Dean Rusk. The Secretary in turn, forwarded it to President Johnson.

The report summarizes the findings of a study undertaken at the request of Assistant Secretary of State (for Educational and Cultural Affairs) Lucius D. Battle last fall to Dr. John W. Gardner, president of the Carnegie Corp. of New York and Chairman of the Commission.

The survey was made by Roy E. Larsen, chairman of the executive committee of Time Inc., and Vice Chairman of the Commission, who was assisted by James M. Davis, then director of the International Center of the University of Michigan.

The Commission's report makes only minor suggestions about the Center's programs, which it found "represent a tremendous achievement in an extremely short time." The central problem, it reported, is rather that of "establishing an organizational environment in which the Center's program can flourish."

To meet that problem, the Commission recommended:

1. Maintenance of the existing close relationship between the East-West Center and the University of Hawaii.

2. Establishment of a national review board, composed of leaders in civic, educational, and business life, to represent the national interest in the Center.

3. Designation of a full-time special assistant for East-West Center matters in the State Department's Bureau of Educational and Cultural Affairs. (Assistant Secretary Battle recently named Harold E. Howland, formerly deputy director in the Bureau's Office of Far East Programs, to the new post.)

4. Continuation of the International Panel of Advisers, appointed in 1962 and comprising Government officials, educators, and businessmen of five nations.

5. Appointment by the Chancellor of the Center of a deputy with "clear authority and responsibility to act for the Chancellor as the central coordinator of the operations and planning of the program arms of the Center."

6. Gearing of the Center's budgets to "a plan of orderly growth"; establishment of a rate of growth consistent with the goal of excellence; and adoption of 3-year budgets, which would act both as a ceiling on commitments for advance expenditures and as a basis for planning.

7. Giving consideration to the Commission's estimated budget of $10,500,000 for fiscal year 1970 as the annual U.S. Government commitment for the Center's operations.

A TRIBUTE TO GEORGE BARATI

Mr. INOUYE. Mr. President, on August 21, 1964, we in Hawaii celebrated the fifth anniversary of our statehood. This fall we will be celebrating another anniversary of which we are almost as proud.

Mr. President, as many Senators know, people sometimes have a tendency to think of our States in terms of stereotypes. However valid such stereotypes may be they often obscure other equally important facets of the life and beauty of the community.

Now, Mr. President, I would not for a moment deprecate the virtues for which Hawaii is known. It is indeed true that our beaches are wide and white, our palm trees stately, and the hula girls beautiful—and we thank God for them all.

But there are other beauties that are now equally a part of the richness of life in Hawaii, and it is about one of the most important of these that I would like to speak today.

This fall we are celebrating an anniversary that is a particular apt reminder that Hawaii is more than all the most familiar symbols. This fall will be the 15th anniversary of the arrival in Hawaii of Mr. George Barati, and his 15th year as music director of the Honolulu Symphony Orchestra.

A distinguished musician and composer, George Barati has for 15 years now been enriching the cultural life of Hawaii, and adding immeasurably to the heritage we are building for our children, as well as for the many visitors to the islands.

There are many ways in which I, as a citizen of Hawaii, would like to pay tribute and say thank you to George Barati. Facts and figures may not be eloquent, and surely they fall short as a true measure of value, but they may help in an understanding of the size of Barati's contribution.

The record of the symphony's growth alone over the past 15 years has really been astonishing.

In 1950, when Barati came to the Honolulu Symphony, the orchestra gave only 6 pairs of subscription concerts; this coming season there will be 86 concerts of all varieties. Thanks to Barati's introduction of the summer season, the Honolulu Symphony now has one of the longest concert seasons in the United States.

In 1950, an average concert attracted from 600 to 700 of our people; last year a total of 170,000 came to the concerts and this coming season we expect 185,000 people will hear the orchestra.

In 1950, the concerts were all held in a single high school auditorium in Honolulu; this season the Honolulu Symphony will perform on every island in the State and all over the island of Oahu. This season we are opening a new auditorium which will for the first time give the symphony a real home. In a real sense, the new hall could be called the house that Barati built.

In 1950, the orchestra's annual budget was $15,000; the budget for this season will hit $400,000. And, lest some Senators sight the specter of deficit financing—which is even more common with symphonies than with government—let me point out that the Honolulu Symphony has operated in the black for 9 of Barati's 15 years.

Over those 15 years the Honolulu Symphony has risen to an honored rank among the top 25 orchestras in the Nation. It is, incidentally, the only orchestra in its class recording on the label of a major record company.

But a symphony orchestra is much more than facts, figures, and budgets written in black ink. Perhaps the greatest compliment to the Honolulu Symphony under George Barati has been the degree to which it has engaged the community life and, in turn, become an integral part of the community's life.

The orchestra has come to play a regular and indispensable role in virtually every community occasion. Today, our Cherry Blossom Festival would be incomplete without the festival concert. So, too, with the narcissus blossom concert, the concert highlighting World Brotherhood Week and the concert highlighting United Nations Week.

In Honolulu it is not uncommon for a saleslady to stop Barati's lovely wife and ask her to relay thanks to him for bringing the first opera performances to our State; the postman, the auto mechanic, and their children are among the regular concertgoers.

Our servicemen and women in Hawaii are an important part of the Hawaii community. Through his music, George Barati has done much to bring the service population closer to the community's heart. He has made speech after musical speech to military audiences, conducted concerts on our military bases, encouraged Honolulu women to include military wives in their Friday morning coffee hours where Barati discusses that week's concert.

As Senators know, we have in Hawaii the most racially cosmopolitan society in the United States. It was George Barati who insisted on all our races being represented among the musicians in the orchestra and on the board of the symphony, too.

The concert mistress is a native of Budapest; one of our leading violinists is from Poland; another violinist is Armenian. The orchestra's personnel manager learned his music on the Shaku Hachi—a Japanese bamboo flute—from which he graduated to the saxophone in a Japanese orchestra; he now plays the bassoon for George Barati. We are especially proud of Yan Sau Wong, a

percussionist in the orchestra for some 40 years, whose children are also musicians who have played with the symphony during summer season concerts.

In terms of music as well as musicians the Honolulu Symphony has come to epitomize Hawaii's cosmopolitan population and its geographical location in the heart of the Pacific.

Barati has brought in soloists from Japan, the Philippines, and Korea, as well as from Europe and this country. The Honolulu Orchestra has played, and not infrequently given world premieres, of symphonic works written by orientals and Western composers who draw heavily on the oriental music tradition. To cite only one example, it was George Barati who conducted the world premiere of a work by the Japanese composer Mayazumi 2 years before Leonard Bernstein offered the same work to an audience of the New York Philharmonic.

Perhaps Barati's greatest achievement has been the degree to which he has made music a part of the lives of our young people.

When he came to Hawaii 15 years ago, for example, we had no formal music instruction in our public schools. Now each of our schools has a program of music instruction.

Barati led in the founding of a scholarship fund to make possible more advanced musical training for those young people otherwise unable to afford it. Out of this and his other activities with young people has grown a system of apprenticeships to the Honolulu Symphony, which in the years to come will insure a supply of fine musicians for the Honolulu Symphony and for the enrichment of the cultural life of Hawaii.

Last season the orchestra performed 143 concert demonstrations in schools on Oahu for over 25,000 children. It played 19 youth concerts for over 37,000 students on Oahu and 15 concerts for over 20,000 young people on our neighbor islands. No one who has ever seen it can forget the sight of this orchestra, with a hundred little children sitting on the floor around it, as Barati explains the music to them.

Thanks to George Barati the musical name of Honolulu has been carried beyond Hawaii and around the world. He himself has made 15 recordings in Vienna, Oslo, London, and Berlin, and they have included recordings of his own outstanding compositions. One Barati chamber concerto, for example, won the coveted Naumberg Award—the musical equivalent of a Pulitzer Prize.

His guest concerts have been sellouts in Europe and Asia as well as in the continental United States.

Nor are the people of Okinawa likely to forget that it was George Barati, of Hawaii, who helped them found a symphony orchestra of their own.

The record of these 15 years would have been impossible unless Barati was a salesman and missionary as well as a musician of the first order. During one season, for example, George Barati made more than 60 speeches to audiences ranging from the Rotary and Lions Clubs to groups of servicemen's wives.

I confess that a record such as my friend's gives me as a politician an occasional nervous moment. But I console myself with the thought that George is too valuable and dedicated a musician to forsake that world for a career in politics.

For we in Hawaii agree with the chairman of one of this Nation's largest charitable foundations who called Barati "just about the world champion in orchestra building." There is no doubt that he is also a world champion in the building of our rich and varied Hawaiian community.

So this, his 15th season will see George Barati on the podium of Honolulu's brandnew concert hall. Once again he will be giving all of himself and all of his talents so that, in the words of one of his closest admirers, "Good music and the Honolulu Symphony will continue to grow into every corner and concept of Hawaii." And beyond our shores, too, I might add in thanks.

THE SENATE'S JOB IS TO INVESTIGATE

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD an editorial entitled "Still the Senate's Job" published in the Washington Evening Star on September 6.

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

STILL THE SENATE'S JOB

The President's assignment of the FBI to investigate the charge of a $35,000 political kickback on the District of Columbia Stadium project has come under something less than the most favorable circumstances.

In announcing the FBI assignment, White House Press Secretary George Reedy said he doubted that the President was surprised by the charge that part of the alleged kickback may have helped meet part of the Johnson politicking expenses in 1960. Such charges, Mr. Reedy said, are not unusual, adding: "It is a campaign year."

The effect of this, whether intended or not, is to pooh-pooh the charge before the FBI has had a chance to make its investigation. And this is hardly calculated to encourage the FBI to think that the President wants the hard-hitting investigation which is called for by the gravity of the charge.

It remains a fact that it is the integrity of the Senate which basically is at stake. We do not believe the introduction of the FBI into the picture should serve to stall off a Senate inquiry—not even until after the November election.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business for the consideration of a number of nominations on the Executive Calendar.

The PRESIDING OFFICER (Mr. NELSON in the chair). The question is on agreeing to the motion of the Senator from Montana.

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Erma L. Loose, to be postmaster at Dauberville, Pa.; which nominating messages were referred to appropriate committees.

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

The PRESIDING OFFICER. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

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

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

ATOMIC ENERGY AGENCY

The Chief Clerk proceeded to read sundry nominations in the Atomic Energy Agency.

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

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

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

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

TRANSMITTAL OF MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER. The Chair lays before the Senate a letter, which will be read.

The legislative clerk read as follows:

U.S. SENATE,
OFFICE OF THE SECRETARY,
September 8, 1964.

Hon. CARL HAYDEN,
President pro tempore of the Senate.

DEAR MR. PRESIDENT: On Friday, September 4, 1964, the President of the United States transmitted to the Senate, by messenger, a sealed envelope, which, however, could not be received by the Acting President pro tempore by reason of an order previously agreed to prohibiting the transaction of any business whatever on that day.

The message was therefore left with me, as Chief Clerk of the Senate, for presentation to the Senate at its meeting today.

Respectfully,

EMERY L. FRAZIER,
Chief Clerk.

(NOTE.—The sealed envelope referred to in the foregoing letter contained the nomination of Raul H. Castro, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States

of America to El Salvador, which was referred to the Committee on Foreign Relations.)

LEGISLATIVE SESSION

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

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

AMISH AMENDMENT TO THE SOCIAL SECURITY BILL

Mr. DIRKSEN. Mr. President, I ask uanimous consent that a statement by the Senator from Arizona [Mr. GOLDWATER] on the so-called Amish amendment to the social security bill be printed in the RECORD.

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

STATEMENT BY SENATOR GOLDWATER ON THE AMISH AMENDMENT

I wish to add my voice in support of the amendment to the social security bill, an amendment primarily designed to exempt the Old Order Amish from the social security program.

The Amish people are almost a perfect personification of the traditional American virtues. They are thrifty, honest, industrious, and they carry the principle of self-reliance close to its absolute limits. Despite the advent during the past three decades of innumerable Federal activities and programs of aid, welfare, of regulations, prohibitions, and Government intervention generally, the Amish rely exclusively on themselves and on the practice of mutual self-help; they avoid, almost completely, any form of assistance from the Government. Crime, relief, poverty are virtually unknown among them.

But quite apart from the virtues they display as citizens, there is here involved a profound matter of conscience. Among the tenets of the Amish religious creed is the doctrine that prohibits as sinful their having any form of insurance, whether public or private. Nevertheless, through their practice of self-help they have been able to provide for each other the necessary assistance in all the contingencies of life which insurance makes possible for others. Included in the forbidden realm of insurance is the Federal social security program.

Only recently we witnessed the pitiful spectacle of an Amish farmer, who on genuine religious grounds had refused to pay his social security taxes, losing the basic tools of his trade, his team of farm horses, to the Bureau of Internal Revenue because of such refusal. I wish to emphasize here that their refusal to pay social security taxes is accompanied by a refusal to accept social security benefits despite any financial advantage which might accrue from such acceptance. Nevertheless, despite the objections of the Amish based on grounds of religion and conscience, under existing law the Federal Government has no choice but to compel them to pay social security taxes.

I think it demonstrates the ethical distortion into which our sense of moral values has decayed. The coercion of the law in punishing the Amish people because of their religious beliefs is a most striking example of incredible injustice.

Therefore I sincerely hope that the conscience of the American people will respond to the legitimate claims of conscience on the part of our fellow Americans, the Amish people, by inducing the Members of Congress to approve this amendment.

THE BASIC ISSUE IN FOREIGN AFFAIRS

Mr. FULBRIGHT. Mr. President, on August 15 I made some remarks on this floor about the Republican candidate for the Presidency of our country. It is my intention, within the next few days, before we adjourn, to present some further views which I believe are relevant to the issues in the coming campaign.

It is possible—just possible—that the Nation could withstand the domestic effects of a Goldwater Presidency, but there seems little possibility that the Nation could escape disaster under a Republican administration committed to the kind of foreign policy proposed by Senator GOLDWATER.

The Goldwater domestic program is one of calculated Federal inaction on the growing problems of a rapidly growing population—problems of mounting racial tensions, of education, automation, transportation and urban blight, of pollution of our streams, and the profligate waste of the Nation's dwindling natural resources. Such a domestic policy would not arrest the tide of change, as it seems calculated to do, but only our ability to influence change and to guide it into humane and constructive channels. Four years of domestic retrenchment would probably be accompanied by mounting racial conflict, mounting unemployment, and a faltering economy. These consequences, though obviously bad for the country, would not necessarily be calamitous. Quite possibly they could be redeemed after 4 years by a wiser and more competent national administration. I shall have more to say about the domestic issues later on.

The same cannot be said for foreign policy. If Senator GOLDWATER is at all sincere in his proposals for an aggressive new American foreign policy—and I see no reason at all to question his personal conviction and commitment—then it is possible, indeed probable, that his policies as President would intensify the cold war, generate new international conflicts, and lead the Nation from one crisis to another and sooner or later to the disaster of nuclear war. My guess is that a Goldwater administration would be less likely to launch a nuclear conflict than to provide or stumble into one inadvertently. But this is hardly important, for who would there be, after so great a holocaust, to know or care how it had begun?

These, I think, are the basic issues in the current election campaign: in domestic affairs, whether we are to continue making organized efforts to resolve problems of education, employment, poverty, and race or whether we are to abandon these efforts and let nature take its course for good or ill; and in foreign affairs, whether we are to continue seeking ways of reducing the tensions of the cold war and thereby reducing the danger of nuclear war or whether we are to repudiate the policies of Presidents Truman, Eisenhower, Kennedy, and Johnson and lead the Nation on a crusade to destroy communism all over the world—a crusade which must take us again and again to the brink, and possibly over the brink, of nuclear disaster.

These are not peripheral issues. The men who now control the Republican Party have said that they wished to give the Nation a choice rather than an echo, and they have succeeded admirably. They have confronted the Nation with fundamental choices as to the kind of society it wishes to be and whether it wishes to risk its existence as a society in an effort to gain universal acceptance of its values, ideas, and institutions.

The Senator's foreign policy seems to be built on two basic assumptions: First, that the Soviet Union and all Communist countries are permanently and implacably committed to the destruction of the free societies, and second, that Communist intentions can be defeated, indeed can only be defeated, by confronting the Communist powers with demands and ultimatums backed by the threat of nuclear war.

The PRESIDING OFFICER. The time of the Senator has expired.

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

Mr. FULBRIGHT. I thought the morning hour had been concluded.

Mr. MANSFIELD. No.

Mr. FULBRIGHT. I am sorry. I thought the Senate was out of the morning hour.

Mr. MANSFIELD. No. The Senator may proceed.

Mr. FULBRIGHT. If any other Senator wishes to have the floor, he may do so.

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Arkansas may have such additional time as he may desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, the degree and permanence of Communist hostility to the free world can and should be debated, but the Senator's assumption that the Russians can be counted on to accept humiliation rather than war is a dangerous delusion. It is based on the fantastic premise that the American people will prefer the destruction of their cities and perhaps a hundred million deaths to an adjustment of interests with the Communists, but that at the same time, the Russians will surrender to an ultimatum rather than accept the risk of nuclear war. Perhaps so, but in the absence of a great deal more evidence than the Republican nominee has offered, it is extremely difficult to share his belief that in every confrontation involving the threat of nuclear war Americans will be unflinchingly brave while Russians will be unfailingly cowardly.

There is no doubt that this is exactly what the Republican candidate believes. In his book "Why Not Victory?" he wrote:

Against the advice of those who counsel inaction because of the risk, let me ask, When has Western resolution backed up by Western disposition to use its total resources ever been defied by the Communist empire? The answer is never—not once. The rulers of

the Kremlin would sooner reduce their territory to the ancient state of Muscovy than to die fighting for their ideology.[1]

As Walter Lippmann wrote recently:

Senator GOLDWATER believes that he can confront the Soviet Union and China without the risk of war. He is not trying to bluff. It is more serious than that. He is suffering from a delusion that the United States is omnipotent and irresistible, and that our adversaries would not stand up against us. That is the most dangerous illusion that can possess the head of a government, that all the other governments will do what he commands them to do. It is because Senator GOLDWATER is obsessed by the delusion of American omnipotence that he sees no contradiction between a foreign policy which would risk great wars and a domestic policy which would dismantle the national power. For in the realm of delusion, nothing is impossible.[2]

Even if Senator GOLDWATER were partly right and it were possible to compel Soviet compliance with our demands two or three or five times, what long-term benefit would come of such "victories"? Sooner or later, it seems probable, the Russians would have enough of humiliation and would strike back, suicidally for for themselves to be sure, but catastrophically for us as well. The simple point which the Goldwater Republicans seem unable to grasp is that no nation can be expected to acquiesce peacefully in its own "total defeat." If we are determined to inflict such a defeat, it is far safer to mount a devastating surprise attack on an enemy than to try to bluff him into submission. If we are not prepared to launch a total war for a "total victory," then it is necessary for the safety of our own people not to goad and frighten and humiliate an adversary until he strikes back. Instead, we must seek some adjustment of interests that will avoid nuclear destruction and enable us to continue to work for a better arrangement of things in a far from perfect world.

The foreign policy issue in this campaign is not merely one of different methods to achieve an agreed objective but rather one of basic goals. The Democratic Party under President Johnson is committed to the goal of preventing Communist expansion and protecting the security of the free world. This is not a new policy, although its tactics are continually changing, but a continuation of the basic policy pursued by three Democratic Presidents and one Republican President since the end of World War II. The men who have taken control of the Republican Party now propose to change the basis of American foreign policy from a commitment to defend the free world to a commitment to liberate the Communist world. Taken at face value, Senator GOLDWATER's talk of a worldwide victory for freedom can only mean an ideological crusade against all Communist governments in the world and their replacement by governments of our choice.

There are valid questions about the successes and failures of our current policy, about its application in different parts of the world, about the accuracy of its perceptions of Communist behavior, and about whether it is too "rigid" or too "flexible." But these questions do not interest the Goldwater Republicans. They believe they have the answer to all of them. They believe that the whole postwar policy is a failure and should be replaced by a radically new policy aimed at the elimination of communism and the attainment of a universal victory for democratic ideas, or, more exactly, for American democratic ideas as interpreted by Senator GOLDWATER.

The new leaders of the Republican Party believe that they can attain this objective without war. They have said so again and again without offering any basis whatsoever for this enormously dangerous assumption. They seem to believe it is true because they say it is true. In a recent thoughtful editorial, the Wall Street Journal expressed the view—which I for one do not share—that our foreign policy has undergone glaring failures. It advocated a "harder line" and then went on to say:

But to argue for a harder line is one thing; it is quite another to argue for a goal of total victory if anyone means it in the literal sense of stamping out international communism.

For the fact is that no one has come up with a conceivable method, short of nuclear war, to get rid of all Communist regimes. That is the chief reason a more limited aim was adopted in the late 1940's, and it is no less applicable today. Until someone can suggest such a method, talk of complete victory raises unrealistic hopes and clouds public discussion of foreign policy.

The editorial concludes with the well-phrased warning that in seeking improvement in our foreign relations, "we will do well to be wary of substituting a policy that seems impossible for one that is difficult enough."—Wall Street Journal, July 27, 1964.

Permeating Senator GOLDWATER's view of the cold war is an unshakable belief that Communist and free societies cannot survive together in the same world, that sooner or later one must prevail over the other. There is a kind of romantic mysticism in the Goldwater view of the world, not unlike that of the Communists themselves. Both he and they seem to believe that there is something unnatural and immoral about the survival in the world of more than one set of beliefs about man's nature and about the organization of human societies. Just as the medieval Christians could not bear the existence of heretical sects and alien religions, the ideologies of our own time have persuaded themselves that life is intolerable unless it is governed everywhere by uniform standards and values. This view is held as a kind of revealed truth, certainly not as an inference from history, which far from suggesting that there is anything "natural" about uniformity in political ideas, leads us to the conclusion that if there is any "law" of historical development, it is a law of infinite variety, especially in men's ideas about their own nature and their relations with other men.

It is, I believe, an understanding of human diversity, and of the inability of any one man or nation to determine what is best for all others, that forms the core of the democratic idea. When "freedom" is worshipped as a sublime and mystical state rather than as simply a necessary condition for human fulfillment, the faith in freedom itself ceases to express the democratic spirit and becomes something quite different; it ceases to express the conscience of a conservative and becomes instead the faith of a fanatic.

Fanaticism is not a characteristic of mature societies but of unstable and politically primitive societies; nor is it an expression of strength and self-confidence. We all know individuals who are given to swagger and bluster and impassioned declarations of their own virtue and superiority, and we know that their need to proclaim their virtues and to try to impose their own values on others is an indication not of strength but of weakness, not of self-confidence but of profound self-doubt. The mature nation, like the mature man, is sure of its values in a way that welcomes but does not require imitation by others. The mature nation, like the mature man, is more interested in solving problems than in proving theories; more interested in helping people to be happy than in forcing them to be virtuous, and at least as interested in hearing the ideas of others, and perhaps learning and benefiting from them as in preaching and spreading its own ideas.

An ideology in the sense of a set of guiding principles and values is desirable, indeed necessary, to a strong society. But an ideology strengthens a society only when it is an instrument of the public happiness rather than a revered object of public policy. When an ideology is treated as a religion, it becomes a source of intolerance and weakness in a society. Deluding men into confusing their momentary predilections with eternal truths, it turns men away from their real problems and plunges them into turgid and irrelevant controversies about how many angels can dance on the point of a pin, about whose communism is purer and more orthodox, about whether it is better to be "extreme" or only "moderate" in one's devotion to liberty.

The great strength of the American ideology—which the Goldwater Republicans do not understand—is not its eternal validity in exactly the form in which it was enunciated two centuries ago but rather its capacity to adapt to the radically changed conditions of an urban and industrial America with global responsibilities. The constantly changing ways in which the American ideology is practiced are not, as Goldwater Republicans think, signs of the erosion of freedom in American life. On the contrary, they are proof of the strength and tenacity of American freedom in a changing society in a changing world.

One of the great strengths of America has been its ability to treat a wise and humane political philosophy as an instrument of human happiness rather than as an object of human sacrifice.

The most hopeful development of the last few years in international relations has been the appearance of a few ten-

[1] "Why Not Victory?" (New York: Macfadden, 1963), p. 112.

[2] Washington Post, July 9, 1964.

tative indications that the Soviet Union and some of the Eastern European Communist countries are beginning to free themselves from the blinders of Marxist-Leninist ideology and to look at the world and at their own societies in somewhat more realistic terms. Chairman Khrushchev's remarks in Eastern Europe earlier this year indicated an increasing preoccupation with better houses and better goulash at the expense of orthodox Communist dogma. This developing realism in the Communist world has made it possible for the Soviet Union and the West to reach limited agreements such as the nuclear test ban treaty and the initiation of educational and cultural exchange programs. These are modest achievements in themselves, but they have contributed to a decrease in the danger of nuclear war, which is not a modest achievement but a very important one.

At precisely this moment of increased hope for peace—perhaps even because of it—those elements in America which have remained wedded to primitive ideas of relentless ideological conflict have seized control of one of our two great political parties. The men who now lead the Republican Party are not traditional American politicians, but angry dissenters against the present, men who are frightened and pained by the trend toward coexistence between the Communist and the free worlds, men who wish to revive the ideological passions of Stalin's time, men who wish to mount a counterrevolution against the whole trend of American foreign policy.

Goldwater Republicanism is the closest thing in American politics to an equivalent of Russian Stalinism. Each makes a religion of its ideology: the Stalinists of communism, the Goldwaterites of their own special concept of "freedom." Each is convinced that there can be no peace in the world until its own ideology is universally practiced. Each is convinced that the other is predestined to disappear from the face of the earth and each is determined to do all that it can to help destiny along. As Lenin put it:

> Conflict is unavoidable, and here is the greatest difficulty of the Russian Revolution, its greatest historical task, that of provoking the International Revolution.[3]

And as Senator GOLDWATER has put it:

> I claim that we cannot live with these two philosophies in the world forever. Sometime there'll be only one.[4]

When nations equate their own ideologies with universal laws and seek to gain for them universal prevalence—

> the ethics of international politics—

Writes Prof. Hans Morgenthau—

> reverts to the politics and morality of tribalism, of the crusades, and of the religious wars. * * *
>
> Carrying their idols before them, the nationalistic masses of our time meet in the international arena, each group convinced that it executes the mandate of history, that it does for humanity what it seems to do for itself, and that it fulfills a sacred mission ordained by Providence, however defined.
>
> Little do they know that they meet under an empty sky from which the gods have departed.[5]

The foreign policy issue in this campaign is as profound as any that has ever arisen between the two great American political parties. The Goldwater Republicans propose a radical new policy of relentless ideological conflict aimed at the elimination of communism and the imposition of American concepts of freedom on the entire world. The Democrats under President Johnson propose a conservative policy of opposing and preventing Communist expansion while working for limited agreements that will reduce the danger of nuclear war. The Republicans build their policy on the ideologies that divide the world; the Democrats look beyond ideology to the common hopes, the common interests, and the common dangers that unite the human race.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, I reluctantly rise again in the morning hour to make the same point I previously made; namely, that it is extremely important to emphasize and underline the fact that those of us who oppose the Dirksen amendment and those who favor the Dirksen amendment have taken only 26 hours to discuss the question pro and con. There have been no "live" quorum calls, no attempts at delay, no nongermane debate, and no opportunity for many Senators who oppose the Dirksen amendment to speak even once.

On the basis of the most careful study that my staff can make, this would be the shortest debate ever to be cut off by cloture in the history of the Senate. Anyone who argues that a vital issue is not at stake has not studied the issue; he has not considered what some of the most outstanding lawyers in the country have said about the issue.

A week ago last Sunday, the Washington Post published an article, one of the authors of which was the dean of the Yale Law School. He said, in effect, that this would destroy the Constitution as we know it. He said it would knock out the vital linchpin of the Constitution: judicial review. It would constitute action by Congress suspending a Supreme Court decision for more than a year and, would create a situation in which malapportioned legislatures could act to pass a constitutional amendment that would nullify the action of the Supreme Court.

If anything could be serious enough to warrant extensive debate and thorough consideration, it is this particular issue. For the Senate to adopt a cloture motion after this very limited opportunity to discuss the issue would be a mockery of the historical reputation the Senate has earned for extensive, thorough, and careful consideration, as the one important body in any major country on the face of the earth that permits thorough, careful debate.

I observe that the distinguished senior Senator from Illinois [Mr. DOUGLAS] has entered the Chamber. He has been a strong proponent of limiting debate in the past, as I have; but he and I are agreed that there should not be a limitation of debate that does not permit thorough and complete discussion of a vital issue. I invite his attention to the fact that the Senate has had only 26 hours in which to debate this amendment in the past month.

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

Mr. PROXMIRE. I yield to the Senator from Michigan.

Mr. HART. I was occuping the chair of the Presiding Officer when the senior Senator from Wisconsin began. I am delighted that I am able now to respond. The Senator from Wisconsin has been a Member of the Senate longer than I, and neither of us has been here very long, as time and tide run in this establishment.

I have no doubt that the question which confronts us as we are asked to flex our muscles in the direction of the Supreme Court is more basic than any issue that has confronted this body during the time I have been a Member—and we have been confronted with the issues of missiles in Cuba, with civil rights for Americans, the nuclear test ban, with tax cuts to accelerate economic growth, and many other important and, indeed, historic proposals.

I share with the Senator from Wisconsin the belief that never, in the few years I have been permitted to sit here, has the Senate faced a question having more long-term implications than the one now before it in the form of the Dirksen amendment. For this reason, therefore, it seems overwhelmingly clear to me that the precipitate action that would be the result of the imposition of cloture would be most unwise. Each of us would live to regret the precedent that would be established.

There are some who say, "It is not so bad. It would not do as much as you who are critical of the amendment suggest." Before we buy that notion, let us be very sure. There have been no committee hearings; and if ever there was a constitutional issue that required careful study and precise analysis by a committee, this is it. In the absence of such a study, I would be disappointed beyond expression if the Senate, so sensitive to the necessity for full understanding before ultimate action, were to support the cloture motion now on file.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question in connection with that statement?

Mr. HART. I yield.

Mr. PROXMIRE. Is it not true, to the certain knowledge of the Senator from Michigan, that a number of Senators have not yet had an opportunity to speak; that they feel deeply upon the subject and wish to speak; and that with the very limited time available between now and

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[3] V. I. Lenin, "Collected Works," 23 vols. (New York: New York International Publishers, 1922–45), vol. 22, p. 37.

[4] Interview in "Der Spiegel," quoted in New York Times, July 9, 1964.

[5] Hans Morgenthau, "Politics Among Nations," 3d ed. (New York: Alfred A. Knopf, 1960), p. 259.

Thursday, when the vote is scheduled, it is unlikely that some of those Senators will have such an opportunity?

Mr. HART. That is true.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may proceed for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. As the Senator from Wisconsin commented, the senior Senator from Illinois has just returned to Washington. These days are filled with many compelling commitments on the part of Senators. As the Senator from Arkansas [Mr. FULBRIGHT] has just reminded us, a national campaign of overwhelming significance is in progress. Torn between these obligations, it is impossible between now and Thursday that full opportunity for other Members of the Senate to evaluate their expressions would be available.

Mr. PROXMIRE. I thank the Senator from Michigan.

CHICAGO TRIBUNE'S JANEWAY PRAISES STRENGTH OF THE DOLLAR ABROAD

Mr. PROXMIRE. Mr. President, recently Mr. Eliot Janeway, a columnist for the Chicago Tribune, wrote what I think is an excellent article on the solidity and strength of the U.S. dollar abroad. The article is entitled "Flow of U.S. Dollars to Europe Is Needed." In the course of his analysis, Mr. Janeway points out that the dollar has strengthened abroad recently. The reason is foreign confidence in the American economy and our policies, despite our adverse balance of payments. The proof of the pudding, as Mr. Janeway rightly points out, is that foreigners continue to take and hold our dollars, even though our balance of payments is in deficit. The relative shift out of dollars and into gold has been very slight, and not primarily related to a lack of confidence or desirability of the dollar.

If our balance of payments were to come more nearly into balance, I believe—as do most economists—that this would even further strengthen the dollar. The reason is that such a balance implies a relative shortage of dollars, in the same way that balancing our budget means that the Government is not pumping out additional dollars.

Most economists, I believe, are now forecasting that our balance of payments will gradually come into balance. The reasons, in part, are some of our policies; such as, the interest equalization tax, our encouragement of other countries to take on foreign aid expenditures, and our "Buy America" program.

But more basic is the expectation that foreign costs and prices are rising more rapidly than ours, putting us in a relatively better competitive position.

Mr. Janeway is an accomplished economist and an able man.

This testimony to the soundness of our economic policy is most pertinent and appropriate.

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

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

JANEWAY'S VIEW: FLOW OF U.S. DOLLARS TO EUROPE IS NEEDED

(By Eliot Janeway)

NEW YORK, August 30.—The political lull between the excitement of the party conventions and the start of the Presidential campaigns is a good time to survey the economy overseas for possible storm warnings. One that has cropped up again is the rise, in the second quarter, of our balance-of-payments deficit. According to the book, a rising international payments deficit almost always spells trouble. It's usually a sign that a country is falling behind in world competition or is living beyond its means. If the warning isn't heeded, foreigners soon begin to distrust the currency of the country running a deficit.

But today's situation looks like an exception to the rule. At least that's what the evidence of the marketplace is suggesting. It's always the better part of prudence to check the experiences and theories codified in the book by a reading of the stresses felt in the marketplace.

This summer they show that, despite the apparent deterioration in last spring's payments deficit, the dollar nonetheless remains strong in the money market. The proof of the pudding is in the bidding. Europe is continuing to bid for more dollars than are offered. In fact, the universal complaint on the other side is that there aren't enough dollars to go around.

How does the apparent contradiction between a strong dollar and rising payments deficit come about? Because the dollar is one of the world's two international clearing currencies, and the British pound, which is the other, is weaker still.

LONDON LOOKS FOR HELP

In fact, sterling is so sick that London has had to look to us for help. And this is one contributing reason for the rise in our payments deficit. We've had to advance dollars, first, to head off a financial collapse in Italy (where an interim government is drifting while inflation rages); and, more recently, to backstop the pound.

Hindsight leaves little doubt that, if we hadn't taken energetic measures to anticipate an August sterling crisis, the pound would have broken its moorings under the severe buffeting it's just had to take with severe repercussions for us.

The one sure way to expose the dollar to a repeat performance of the money troubles of the late 1920's and the early 1930's would be to stand by and let the pound go under, taking with it a good deal of Europe's (and the free world's) structure of finance. It's worth remembering that the depression of the last generation blew in from a financially stricken Europe and knocked a booming United States galley west.

ONLY PRACTICAL ALTERNATIVE

The moral is that a moderate and manageable payments deficit is a burden we shall have to carry as the only practical alternative to running Europe into a money squeeze for lack of the dollars which are feeding Europe's boom. Certainly, the alarming $5 billion payments deficit rate of 1963, with its threat of a gold run on the dollar, is too much: it's not needed to help Europe and any return to it would hurt us.

But under the present conditions, so would any drastic and abrupt drying up of net dollar outflow. With Italy in chronic crisis, with Britain on the brink and with none of the richer European countries willing to lay hard cash on the line to help either neighbor, the only way we can protect the tremendous U.S. stake in European financial stability is by running a $1 to $2 billion payments deficit.

Every time our annual payments deficit rate goes down toward the billion dollar mark, storm warnings go up all over Europe. But as soon as we release enough dollars to ease the deficit back toward a $2 billion rate, the all-clear sounds again, that's this summer's story.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

CLOTURE MOTION

Mr. DIRKSEN. Mr. President, I have listened with distress of spirit to the wails and lamentations of my distinguished friend, the Senator from Wisconsin [Mr. PROXMIRE], over the limited time the Dirksen-Mansfield proposal has been before the Senate for discussion.

It was introduced in its present form on the 12th of August. A constitutional amendment was introduced before that time, and we added still to the version of the proposed legislation before the Senate, and had the discussion going.

So at least 3 weeks have gone by. There has been ample opportunity for my distinguished friend from the Badger State to make his point—and for any other Senator to make his point—should he wish to do so.

In that period of time, there were occasions when the Senate adjourned early because, somehow, there were no preemptors of the time which was available for the discussion.

Let me say to the Senator from Wisconsin that in May of 1962, by one of the quirks of history, another Dirksen-Mansfield proposal for cloture was before the Senate. Actually, that proposal on the literacy test was pending only 2 weeks, and then I joined the majority leader to file a cloture motion. Oddly enough, the distinguished Senator from Wisconsin voted for it. My distinguished friend, the Senator from Michigan [Mr. HART], who shares the acute feelings of the Senator from Wisconsin, voted for it. My esteemed colleague from Illinois, who is now in the Chamber, voted for it; yet, the proposal was here only 3 weeks and the cloture motion was then filed.

However, I heard no voices ascend in a crescendo of volume to the heavens lamenting the fact that there was not enough time to discuss the proposal.

Mr. President, I have been in Congress for 31 years; and I have watched the volumes of printed hearings ground out until the Government has become the purveyor of the greatest quantity of wastepaper of any merchandiser anywhere in the world. We come lugging these hearings into the Senate Chamber; and I begin to wonder who reads them. We go through all these exercises, sometimes with a sense of sheer futility, particularly when the issue is plain and does not require many volumes of discussion.

An old universalist minister friend of mine from Peoria used to say that no souls were saved after the first 20 minutes. Yet, the Senator knows that 26

hours at $100 a page have already been occupied in the CONGRESSIONAL RECORD in the discussion of this question.

Frankly, anyone who is interested needs only to read the majority opinion of the Court, and then to read that completely devastating opinion, that unanswerable dissenting opinion, of Justice John Marshall Harlan; and there is the whole story.

I suppose that we could make the welkin ring and fairly rock the plaster from the walls of the Senate Chamber, but we shall not throw more light on the subject than will be obtained from those two opinions.

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

Mr. DIRKSEN. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Is it not true that there have been no hearings whatsoever on this proposal?

Mr. DIRKSEN. The Senator is correct.

Mr. PROXMIRE. In either House or Senate. Is it not also true——

Mr. DIRKSEN. Is it not also true that there are other proposals on which many hearings have been held?

Mr. PROXMIRE. In which cloture was involved?

Mr. DIRKSEN. I do not know about that.

Mr. PROXMIRE. I cannot think of any. The communications satellite bill involved many hearings. On the civil rights bill there were extensive hearings, lasting many months. To date there have been no hearings on this proposal.

Mr. DIRKSEN. It does not make a particle of difference, because those who are opposed to it have freely stated over and over—and some of them have stated to me privately—that they are going to keep this show going, whether or no. They will not do this for the purpose of adding light, because when we orate to an empty Chamber, day after day, we must confess that perhaps a Senator or two is in the Chamber, but no more, to listen to those words of wisdom.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The time of the Senator from Illinois has expired.

Mr. DIRKSEN. Mr. President I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. When one has been expounding all this wisdom, what happens to it? There is no one in the Chamber to listen. It is because they have come to a conclusion with respect to the basis of this issue. I believe that they are only dilly-dallying. It has been confessed that that is the whole purpose—what the distinguished majority leader has so aptly called the "cuddly baby" filibuster.

Mr. PROXMIRE. We have not had all the time that the Senator implies we have had. Since August 13, the Senate has passed 89 bills, passed 30 resolutions, and adopted 17 conference reports. It has sent 10 bills to the House. It has acted upon appropriation bills. The vastly complicated social security bill, took an entire week. Then there was the Democratic National Convention, the long Labor Day weekend. Clearly, we have not had time to go into the very complex and difficult proposal which affects every single one of the 50 States in varying ways.

I plead with my reasonable colleague the Senator from Illinois [Mr. DIRKSEN] to consider the fact that we have not had a real opportunity to discuss this complicated proposal in anything like the detail which has always been characteristic of the Senate in discussing measures of importance before cloture has been invoked, or even proposed.

Mr. DIRKSEN. There is no doubt about the volume of words which has been uttered during this period, whether it is measured by pages, bushels, gallons, or any other unit of measurement. I was in the Senate Chamber. The majority leader was also in the Senate Chamber all the time.

To revert to the calendar, we start by agreement with Calendar No. 1403, for example, and within 10 seconds from the time it is called up, it is passed. Then we go on to the next bill. If we talk about an intrusion upon our time, let the Senator go back and look at the number of bills, especially the claims bills from the Judiciary Committee, that we whack away at on an assembly line basis, at the rate of perhaps 10 to 15 an hour.

Do not let the impression get out to the country that 86 bills have been passed that were world shaking and have had an indelible effect upon the domestic and foreign policy of the country. Some have, to be sure.

Mr. PROXMIRE. Some have, indeed. The RECORD shows the great amount of time which has been taken upon other measures by the leadership—and I believe rightly so—to expedite this session and get important legislation out of the way. We have documented the case, and only 26 hours out of all that time has been consumed on this particular issue. We cooperated with the leadership. We could have insisted on a Friday session or a Saturday session, so we are told; but the Senator from Illinois knows that that would have been a terrible imposition on other Senators who were eager to get home. It would also have been difficult for us. It would have been unfair to the leadership if we had done that, and unfair to Senators. We did not do it. We had the right to do it, I am sure, and the leadership would have cooperated with us if we had asked for it.

We should have further opportunity to discuss the issue thoroughly, and to have the opportunity—for those of us who have not really had an opportunity to speak at all—to come to the Senate and speak.

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

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I have listened to the debate with interest. I find it hard to comprehend what the distinguished Senator from Wisconsin is driving at.

I believe that he and his colleagues have had plenty of time to explain a simple issue to the Members of this body. It is my belief, for what it is worth, that so far as cloture is concerned, the chances are very doubtful that it will be invoked. That means, if my assumption is correct, that even if a motion to table is defeated, as I assume it may well be, there will be plenty of time to debate the subject, although, frankly, I believe the issue is pretty clear cut. I doubt, as of now, that any more minds will be changed.

I admit that in the past 2 or 3 weeks, there has been an addition of strength to the forces of those in favor of the Supreme Court position. But I point out that under the rules of the Senate, at least in my opinion, there could be talk on this subject from now until doomsday. I do not see where any time is lost. I do not see why the cry is raised now that there should be more time to discuss the matter when the Senator well knows that an agreement was arrived at last week by means of which it was thoroughly understood and agreed that a cloture motion would be presented this Tuesday, and that a vote would be taken on the motion next Thursday under the rules of the Senate. Is that not correct?

Mr. PROXMIRE. There has been no alternative. It is within the power of the minority leader to make the motion at any time he wished and we would have to agree.

Mr. MANSFIELD. No; not any time. The Senate was considering the social security bill.

Mr. PROXMIRE There was no opportunity to discuss it last week. As the majority leader well knows, the Senate was considering the social security bill. It is true that we could have insisted on a Friday session. The majority leader would have accommodated us. But we would not have had any audience. There would not have been any real opportunity to discuss the motion. It was entirely within the discretion of the minority leader. He chose to file the motion today. He could have given us more time in which to discuss it.

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

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. After discussing the question with Senators who favor the Supreme Court decision and obtaining their agreement, I went to the desk of the minority leader and asked him if he would hold back the motion until today. He agreed to do so. I believe, in good faith, that that statement should be made. I am quite sure that Senators who favor the Supreme Court decision are well aware of that.

Mr. PROXMIRE. Certainly. But that is no accommodation to us.

Mr. MANSFIELD. The minority leader did not have to agree to set aside the pending business last week to allow the Senate to proceed with the social security bill. But he did so at my specific request after he made a statement to the effect that he would object to anything further being done in the way of laying aside the pending business.

Mr. PROXMIRE. Yes, indeed. But that was an accommodation to the majority leader and to the whole Senate. For the purpose of bringing up the social security bill.

Mr. MANSFIELD. It could have been an accommodation to the people of the

United States, to take up the social security bill.

Mr. PROXMIRE. It was. But it was no accommodation to us. We knew that we would have no opportunity to discuss the motion during that time. We had to spend the entire week on the social security measure. That was perfectly agreeable to us. We were in favor of that, too.

Mr. MANSFIELD. That is true, but the minority leader could have presented the cloture motion a week ago. We would have been in the same position then. I believe that we are ahead, by reason of having followed this procedure.

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

Mr. DIRKSEN. I yield.

Mr. DOUGLAS. We do not so much object to the junior Senator from Illinois [Mr. DIRKSEN] filing his motion, as we hope that not many Senators will vote for it. That is what we are discussing today—whether the majority and minority leaders will be able to ram down the throats of Senators a cloture which will greatly restrict future debate.

My colleague from Illinois [Mr. DIRKSEN] is perfectly within his rights to introduce the motion today. I hope that he will fail by a big margin to get the required two-thirds vote in favor of his motion on Thursday.

While I am on this subject, there is a very sharp distinction to be drawn.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask that the Senator from Illinois be allowed 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. There is a very sharp distinction to be drawn between a filibuster and an extended debate. The purpose of a filibuster is to prevent a vote. The purpose of an extended debate is to delay a vote. The reason for delaying the vote is so that the Members of the Senate and the public may become better informed about the issue and thus be able to reach a more mature decision.

We do not intend to prevent a vote. But we had hoped that we might have an opportunity to delay the vote until some Senators who inadvertently became involved in the plan for an anti-reapportionment constitutional amendment might be able to extricate themselves from the coils which have been wound around them.

Mr. MANSFIELD. When I hear talk of extended debate and filibuster, I am reminded of a statement made by a distinguished Senator who is now running for President on the other party's ticket, concerning something relating to a choice, not an echo. What I think I hear is an echo which I have heard time and again in this Chamber. There is no difference whatever between an extended debate and a filibuster. It depends on who is wearing the shoe at the time, as to who makes the statement.

Furthermore, the distinguished Senator from Illinois has used the word "ram." I have never in my 12 years in the Senate tried to ram anything down anybody's throat. And I do not intend to do so now. So far as I am concerned, the Senate can remain in session until January 3, 1965. If the Senator wishes to talk that long, it is all right with me. But there will be no ramming of anything down anybody's throat. The RECORD ought to be clear in that regard.

Mr. DOUGLAS. I am not accusing the Senator from Montana of ramming this through in a personal sense.

Mr. MANSFIELD. The Senator said, "The majority and minority leaders will be able to ram it down the throat of the Senate."

Mr. DOUGLAS. If a Senator votes for cloture, that will mean that the rules of the Senate will force a premature vote down the throats of the minority—not in a personal manner, but in an impersonal fashion through the operation of cloture.

The distinguished majority leader [Mr. MANSFIELD] said that there is no difference between an extended debate and a filibuster. The Senator may not remember the fight that some of us put up in connection with offshore oil.

Mr. MANSFIELD. I believe the Senator should remember it. I was on the side of the Senator from Illinois.

Mr. DOUGLAS. I cannot remember all the votes with certainty. When we started, it was the plan of the proponents to give all of the offshore oil to the States. They would have given the States all of the offshore oil, not just within a 3-mile or 3-league limit but out to the edge of the Continental Shelf.

For 30 days, the Senator from Alabama [Mr. HILL] and I, brought to bear such arguments as we could. As a result of the fight which we made, we convinced the Senate that even if it felt obligated to give the royalty rights to the States for the oil located up to 3 miles out—and in the case of Texas, 3 leagues—the United States of America has the rights to the oil beyond that, to the edge of the Continental Shelf. The explorations since then appear to show that the major portion of the offshore oil is located on that Continental Shelf beyond the 3-mile limit. The decision which we helped to secure from the Congress means a difference of hundreds of millions of dollars a year to the U.S. Treasury.

That is one specific case in which a fight on the floor of the Senate, called a filibuster at the time by our opponents, resulted in a big improvement in the final action that was taken. I could mention another illustration.

Mr. MANSFIELD. I agree with the Senator. But I point out that no matter how it is termed, it is still a filibuster.

Mr. DOUGLAS. That is the opinion of the Senator from Montana.

The Senator may remember the Kerr gas bill in 1950, which was aimed at depriving the Federal Power Commission of the right to fix the price of gas at the point where it entered the pipelines. There was debate on the bill for more than a month. We were defeated, but the developments and force of that debate so changed public opinion that the President of the United States vetoed the bill. While some of the effect of that veto was later removed by shilly-shallying on the part of the Federal Power Commission, the private oil and gas interests have not been able to get all they wanted, even now. So extended debate serves a useful purpose. If the Senator from Montana votes on Thursday for cloture—and I expect the Senator will—with the best intent in the world, he will still diminish the opportunity which is accorded to Senators to convince other Senators and the people that the Supreme Court is correct. He would take from us the opportunity to show that the present malapportionment of State legislatures should be corrected, that the legislatures themselves have not corrected it by themselves, and that the only hope of fair apportionment really lies in the Supreme Court. We hope that we can so convince the Senator.

The PRESIDING OFFICER. The time of the Senator from Illinois has once again expired.

Mr. MANSFIELD. Mr. President, I have not as yet stated how I shall vote on the cloture motion presented by the distinguished minority leader. I am sorry that the distinguished Senator from Illinois [Mr. DOUGLAS] made the assertion that he did, because it may or may not be true. But at least I was trying to keep my position secret until the time came to make a decision.

It is my candid belief that the cloture motion will not command sufficient votes to make it effective; further, it is my candid belief that, so far as the debate on the subject is concerned, Senators who are opposed to the Mansfield-Dirksen amendment will have all the time they wish to discuss the subject and to convince their colleagues. Moreover, it is my belief that from now on not a single vote will be changed. The Senator either has the votes on his side or he has not; and that is it.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Since the debate began, a number of votes have been changed. We have not had an opportunity to discuss that subject with the Senator.

Mr. MANSFIELD. From now on no votes will be changed.

Mr. PROXMIRE. There are all kinds of arguments still to be made which we seek to develop. A number of Senators who wish to discuss those points have not been able to do so. We have not been able to discuss the subject with those Senators since the Labor Day weekend. In view of the limited opportunity we have had to discuss the subject, to say that not a single vote would be changed from now on is a statement with which I would disagree. I make that statement on the basis of the experience we have had in the past week or so. Votes have changed whenever we have gotten the ear of our colleagues. But many of them have not yet been reached.

Mr. MANSFIELD. Mr. President, I could be completely mistaken. All I am doing is giving the Senate my judgment.

Mr. PROXMIRE. A number of Senators have not yet made up their minds.

Mr. MANSFIELD. I believe I know the Senators to whom the Senator from Wisconsin has reference. Some of those have not spoken; others have had their statements printed in the RECORD. But

so far as changing minds further is concerned, very few, if any, will be changed from now on. I admit that in the past 3 weeks some minds have been changed. That is why I made the statement that, in my opinion, it will not be possible to invoke cloture on the motion which was presented earlier today. Therefore, the Senate will have all the time in the world, at least until noon January 3, 1965, if it so desires, to discuss the subject.

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

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I ask unanimous consent that the Senator from Illinois may have 3 additional minutes.

Mr. DOUGLAS. Mr. President, is not the Senate now in the morning hour; and is not the Senator from Michigan entitled, in his own right, to speak for 3 minutes?

The PRESIDING OFFICER. The Senator from Michigan is entitled to speak for 3 minutes.

Mr. HART. I thank the Chair. It occurs to me that since I was about to make a comment which would involve the Senator from Illinois [Mr. DIRKSEN], it would be more courteous if I did it on his time. In either case, I shall speak for no longer than 3 minutes.

Mr. President, it might be helpful to put into perspective what is a filibuster and what is not a filibuster, who is proceeding precipitately and who is dragging his feet.

I suggest that we turn our minds back a few months to a situation in this Chamber when we were confronted with a proposal made by the majority leader that the Senate take up the civil rights bill. As well as I can reconstruct the situation, on the 9th day of March the majority leader moved that the Senate take up the civil rights bill. The Judiciary Committee had held 9 days of hearings on the bill before that. I have not been able to determine how many days of hearings the Commerce Committee had held on the bill. Serving on both committees, I am uncertain in my memory which was the longer. But it is my impression that the Committee on Commerce devoted more time to consideration of the measure. In any event, when the majority leader moved to take that bill up so that something could be done about it, there had been 9 days of hearings before the Judiciary Committee.

On the 25th day of March, the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] counseled us thus:

> If this is as important as the zealots would have us believe, it is all the more reason why the Senate should be most careful about a bill of this kind.

Parenthetically, there are those who feel that the domestic crisis then confronting us in civil rights was more compelling than the constitutional crisis that confronts us in the Dirksen amendment. But I am sure that all thoughtful persons would agree that both were and are of major importance.

The minority leader then went on to say:

> There seems to be great haste and hurry, but when we stop to think of the importance of this measure and what its impact on the country would be, we can afford to take some time and be careful in our scrutiny.

This was the 25th of March. The Senator was commenting on a motion that had been pending since the 9th of March to take up the bill for discussion. Finally the minority leader counseled us:

> There has been great discussion about the intent of Congress. The courts will take a look at the language in the bill, and out of it they will finally come to a conclusion as to what was the intent. I believe that one of the most scholarly articles I have ever read on the subject of intent of Congress appeared in the Harvard Law School Journal. Whoever wrote it did a very good job, because the very first line in that article was: "The intent of Congress is a fiction."
>
> The second sentence was: "The intent of Congress is what the courts say it is."
>
> Where do the courts go? They go to the language in the bill, and the courts go to the reports.
>
> The impact of the bill will be "from now on," and the social pattern of our country will be changed. Some time later I do not wish to lament and to rue the day when I did not take sufficient time to give sufficient scrutiny to the words, the phrases, the implications, the legal significance, and what its impact will be upon the ec and soc fabric of our country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. I invite the attention of Senators to the fact that caution was voiced by the Senator from Illinois a few months ago, because the words are not inapplicable at the present time. The caution is not unrelated, because the Dirksen amendment would affect in some form or other—though there is no record to inform us how—each of the 50 States of the Union with respect to composition and operation of its State legislature.

If on the 25th of March, on a motion that had been pending since the 9th of March to take up the civil rights bill, we were cautioned as I have described by the Senator from Illinois, he would not find us, I am sure, to be inflexible and unreasonable in suggesting that, without any committee hearings—unlike the case of the civil rights bill—and with only 20-some hours of discussion available to us, we insist that what he told us then is relevant now. For that reason it is well that we get into perspective exactly where we stand and how much time ought to be devoted to the subject and what sort of record should be developed before the Congress of the United States goes on the road to reaching over into the Supreme Court building and, in effect, telling the Justices to move over. Once we adopt that precedent, history will make it an unfortunate day.

Mr. DIRKSEN. Mr. President, I wish I could take time adequately to answer my distinguished friend from Michigan. Senators will observe that he put the emphasis on the month of March. The committees had produced little legislation at the time. When I said, in that statement on the floor, "We can afford to take some time," I meant exactly that, because we had time, and there was nothing crowding the Senate at the moment. So there was no reason why it could not go back. Now we are getting close to the middle of September. I know the mood of the Senate. I know the mood of the House of Representatives. Members want to go home. I want to go home. I want to get out on the hustings and do a little campaigning and answer some of the speeches such as the one we heard from the distinguished Senator from Arkansas [Mr. FULBRIGHT] a little while ago.

How long are we going to keep Senators here as they gather up these pearls of wisdom? Senators talk to an empty Chamber. There was a conference. One Member of that group came to this desk any number of times to ask whether or not I was going to submit a cloture motion. At the time I had no thought of it. When it was said to me, "We will continue, then, ad infinitum," with Members of Congress wanting to get home, that is a horse of another color.

So there was a reason to file the cloture motion. If it fails, the amendment will still be here, and the Senate will get a vote on it, or my name is not DIRKSEN.

It can be tabled. Any Senator is free to make that motion. Why does not the Senator rise in his place and offer a motion to table? There is nothing to stop the Senator. Some Senators have a political motive. They are going to get a few votes and gather a little strength.

No such thought occurred to me. I was ready to file the motion for cloture, in accordance with the agreement I had with the majority leader, after he had conferred with the Senator. I could have done it a week ago. But it is an appropriate time, at the end of the Labor Day weekend. So there has been time to discuss it. Senators have not been able to keep other Senators here to listen to them. But they know the arguments. When I say "them" I mean Members of the Senate. They read the Washington Post. They read the articles by the law professors and deans. I read them. Everybody has read them. If Senators are not familiar with the issue by now, all I have to say is that instead of throwing light on the subject, Senators have obfuscated it and made it more complex and bewildering than it really is.

So there is the answer to all this argument, and every Senator is going to have a vote, one way or another, on this amendment, because I mean to carry it to a conclusion.

WHITESTONE COULEE UNIT OF THE OKANOGAN-SIMILKAMEEN DIVISION, CHIEF JOSEPH DAM PROJECT, WASHINGTON

Mr. NELSON. Mr. President, I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 2447.

The PRESIDING OFFICER laid before the Senate the amendment of the

House of Representatives to the bill (S. 2447) to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes, which was, to strike out all after the enacting clause and insert:

That for the purpose of furnishing a new and a supplemental water supply for the irrigation of approximately two thousand five hundred and fifty acres of land in Okanogan County, Washington, for the purpose of undertaking the rehabilitation and betterment of existing works serving a major portion of these lands, and for conservation and development of fish and wildlife resources and improvement of public recreation facilities, the Secretary of the Interior is authorized to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division of the Chief Joseph Dam project, in accordance with the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the unit shall consist of: facilities to permit enlargement and utilization of Spectacle Lake storage; related canal and conduits, diversion dam, pumping plants, and distribution systems; and necessary works incidental to the rehabilitation and expansion of the existing irrigation system.

SEC. 2. The provisions of section 2 of the Act of July 27, 1954 (68 Stat. 568, 569), shall be applicable to the Whitestone Coulee unit of the Okanogan-Similkameen division of the Chief Joseph Dam project. The term "construction costs" used therein shall include any irrigation operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the water users to pay during that period.

SEC. 3. (a) The Secretary is authorized as a part of the Whitestone Coulee unit to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or otherwise to include within the unit area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for public use and enjoyment of unit lands, facilities, and water areas in a manner coordinated with the other unit purposes. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, and additional development of unit lands or facilities, or to dispose of unit lands or facilities to Federal agencies or State or local public bodies by lease, transfer, exchange, or conveyance, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, including costs of investigation, planning, Federal operation and maintenance, and an appropriate share of the joint costs of the unit, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law relating to recreation development of water resources projects or the disposition of public lands for recreational purposes.

(b) The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among the project functions.

SEC. 4. There are hereby authorized to be appropriated for construction of the new works involved in the Whitestone Coulee unit, of the Okanogan-Similkameen division of the Chief Joseph Dam project $5,312,000, plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indices and, in addition thereto, such sums as may be required to operate and maintain said division.

Mr. NELSON. Mr. President, I move that the Senate concur in the House amendment.

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

Mr. NELSON. I yield.

Mr. MAGNUSON. This is a very important piece of legislation, authorizing the Whitestone Coulee unit of the Chief Joseph Dam unit. Chief Joseph Dam is primarily a huge power project, one of the greatest in the world, but the possibilities of some irrigation from it are very good, and this is one of the units that can lend itself to irrigation. I am glad the Senator from Wisconsin is bringing the matter up.

I ask unanimous consent to have placed in the RECORD at this point a letter from the Department of the Interior to my distinguished colleague [Mr. JACKSON], chairman of the Committee on Interior and Insular Affairs, describing the project, its value, and the benefit-cost ratio. I appreciate the action of the Committee on Interior and Insular Affairs in pressing the bill through. I know it is expedient to accept the House amendment to the Senate bill.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 2, 1964.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to your request for the views of this Department on S. 2447, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes.

We recommend enactment of the bill with certain amendments suggested hereinafter.

The Whitestone Coulee unit is a potential irrigation development to serve 2,660 acres in north-central Washington about 10 miles from the international boundary with Canada. Existing facilities of the Whitestone Reclamation District now serve 1,830 irrigable acres of the project area. The plan of development of the unit provides for rehabilitating and enlarging existing works and constructing new facilities to serve an additional 705 acres of lands that are now dryfarmed. Continuation of water service within their entitlement to a further 125 acres of class 6 district lands which have a water right is also proposed. The 125 acres of class 6 lands would not be included within the district for repayment purposes; however, they would pay appropriate operation, maintenance, and replacement charges.

The lands in the unit area are devoted almost exclusively to apple production, with cover crops. By climate, topography, and soils the area is particularly well suited to this crop pattern under sprinkler irrigation. The district lands in question have a long and successful production history, and the new lands included in the project plan are equally well suited for apple production.

The Whitestone Reclamation District holds adjudicated rights to the flows of Toats Coulee Creek. The plan of development contemplates replacing an existing diversion dam on that creek with a new structure, rehabilitating the main supply canal which runs from the point of diversion on Toats Coulee Creek to Spectacle Lake some 4 miles away. Active storage capacity of Spectacle Lake would be expanded from 3,800 to 6,250 acre-feet by construction of a dike and outlet control works. Three small pumping plants would be built and the gravity distribution system of canals, siphons, and buried pipe laterals would be rehabilitated and expanded as necessary. These improvements would provide an adequate water supply for irrigation of all lands of the unit.

Development of the unit as proposed would produce no flood control benefits of significance, nor is there opportunity for the production of hydroelectric power. Investigations disclosed no need in the area for industrial water supplies or pollution control or other public health measures. Existing facilities for domestic water service are adequate and will remain in use. Thus, the Whitestone Coulee unit is proposed principally as an irrigation development.

There are, however, opportunities to provide excellent fishery and general recreation benefits. These would be realized under the plan of development proposed. The State and private interests have already developed Spectacle Lake as a recreation facility. By virtue of annual stockings of fingerlings by the State Department of Game, it is an excellent rainbow trout fishery. With increased capacity and project improvements the fishery would be enhanced to produce average annual benefits estimated by the Fish and Wildlife Service at $4,050. Lands would be acquired to replace existing public-access areas inundated by enlargement of the reservoir, and basic recreation facilities would also be constructed.

The project is engineeringly and economically feasible. Based on a 100-year period of analysis, the benefit-cost ratio is 5.6 to 1, demonstrating the productivity of irrigated orchard land in the area.

Okanogan County, Wash., in which the unit is located has been designated as a rural redevelopment area under criteria in the Area Redevelopment Act of 1961 (75 Stat. 47). Accordingly, the benefits which would accrue to area redevelopment from project construction and operation have been calculated. We propose that this function be recognized as a project purpose in accordance with principles for water resource development evaluation adopted by the President on May 15, 1962 (S. Doc. 97, 87th Cong.), for application within the executive branch. To accomplish this, the bill should be amended by adding the words "and for area redevelopment," after the word "facilities," on line 2, page 2.

Also, section 4 should be renumbered section "5" and a new section 4 reading as follows should be added:

"SEC. 4. The Secretary is authorized, if the Whitestone Coulee unit is located in whole or in part in a redevelopment area as defined in the Area Redevelopment Act (75 Stat. 47) to recognize redevelopment as a function of the unit, to evaluate the benefits of the unit in relieving persistent unemployment or underemployment, and to allocate costs to the redevelopment function as appropriate, which costs shall be nonreimbursable."

The total project cost is estimated to be $5,312,000. Of this, $813,000 would be allocated to area redevelopment, $4,336,000 to irrigation, and $163,000 to fish and wildlife enhancement and recreation. On the basis of budget studies, we have estimated the repayment capability of the irrigators to be $1,100,200 over a 50-year period. This is 25 percent of the irrigation allocation. The balance of the irrigation allocation would be returned from revenues of the Federal Columbia River power system.

Orchards are slow to develop. Consequently, those project farmers whose lands are not now in orchards will require a 10-year development period, during which they will experience very low revenues. For that reason it is necessary to fund a part of the operation and maintenance costs of the unit during that period. Projections are that approximately $74,000 in operating costs would be funded as an irrigation cost item.

The first sentence of section 2 makes applicable to the Whitestone Coulee unit the provisions of section 2 of the act of July 27, 1954, authorizing the Foster Creek division of the Chief Joseph Dam project (68 Stat. 568). The provisions of section 2 of the act of July 27, 1954, are not entirely appropriate to the Whitestone Coulee unit—those provisions are:

(1) Establishment of a 50-year repayment period (this is necessary);

(2) Adoption of a variable repayment formula (this is not necessary, general reclamation law now provides this authority, act of August 8, 1958 (72 Stat. 542);

(3) Provision for financial assistance from Chief Joseph Dam (financial assistance is required, but because of recent changes in accounting practices for the Federal Columbia River power system it is no longer appropriate to tie financial assistance to an individual project or dam); and

(4) Availability of Chief Joseph project energy for project pumping at rates not exceeding the costs of generation (similarly, the change in accounting practices makes it no longer appropriate to tie the unit pumping power reservation and charges to an individual project).

In order to provide for a 50-year repayment period for the irrigators, fund operating costs as necessary during the development period, reserve power for unit pumping and provide financial assistance to the unit, we recommend that section 2 be deleted and the following substituted therefor:

"SEC. 2. Irrigation repayment contracts shall provide for repayment of the obligation assumed thereunder with respect to any contract unit over a period of not more than fifty years exclusive of any development period authorized by law. Operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the irrigators to repay during that period shall be returned by the irrigators during the repayment period. Construction costs allocated to irrigation beyond the ability of the irrigators to repay, shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration. Power and energy required for irrigation water pumping for the unit shall be made available by the Secretary from the Federal Columbia River power system at charges determined by the Secretary."

Finally, to accommodate the bill to the administration's proposed legislation concerning cost-sharing at water resource projects, a new subsection 3(b) should be added as follows:

"(b) The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among the project functions."

Authorization to proceed with the Whitestone Coulee unit would be most timely. The unit has a very high benefit-to-cost ratio and will produce substantial benefits in a community that is undergoing serious economic hardship.

A statement of personnel and other requirements that enactment of this legislation would entail is enclosed in accordance with the provisions of Public Law 801, 84th Congress.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed report from the standpoint of the administration's program, subject to possible supplementary advice from the Bureau of the Budget when views of the Department of Commerce on the proposed amendments to the bill dealing with area redevelopment are received.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.

Whitestone Coulee unit Okanogan-Similkameen division, Chief Joseph Dam project

[Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs, as required by Public Law 801, 84th Cong.]

	1st year	2d year	3d year	4th year	5th year
Estimated additional man-years of civilian employment:					
Administrative services: Clerical	None	1	1	1	None
Substantive (program): Engineering aids and technicians	None	3	3	3	None
Total estimated additional man-years of civilian employment	None	3.25	4	2.75	None
Estimated expenditures:					
Personal services	(1)	$154,200	$194,465	$144,097	$10,942
All other	(1)	1,089,780	2,278,535	1,078,903	3,458
Total estimated expenditures	$197,000	1,235,000	2,473,000	1,223,000	14,400

[1] General investigation expenses.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to concur in the House amendment.

The motion was agreed to.

CROOKED RIVER FEDERAL RECLAMATION PROJECT

Mr. NELSON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to Senate bill 1186.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1186) to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands, which was, to strike out all after the enacting clause and insert:

That the first section of the Act entitled "An Act to authorize construction by the Secretary of the Interior of the Crooked River Federal reclamation project, Oregon", approved August 6, 1956 (70 Stat. 1058), as amended, is amended by inserting immediately before the period at the end of the first sentence of such section the following: "and the Crooked River project extension, together referred to hereafter as the project. The principal new works for the project extension shall include six pumping plants, canals, and related distribution and drainage facilities".

SEC. 2. There are hereby authorized to be appropriated for construction of the new works involved in the Crooked River project extension $1,132,000, plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes and, in addition thereto, such sums as may be required to operate and maintain said extension.

SEC. 3. Supplemental power and energy required for irrigation water pumping for the project shall be made available by the Secretary of the Interior from the Federal Columbia River power system at charges determined by him.

Mr. NELSON. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment.

The motion was agreed to.

The PRESIDING OFFICER. Is there further morning business?

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

CLOTURE MOTION

Mr. DOUGLAS. Mr. President, Mr. Arthur J. Freund, of St. Louis Mo., is one of the most prominent attorneys in the Middle West. He was one of the first to call attention to the actions taken at a meeting sponsored by the Council of State Governments in Chicago in the fall of 1962. That meeting of the so-called assembly of the States started the movement which has now come to fruition in the Dirksen-Mansfield amendment.

The council proposed to the State legislatures three applications for constitutional amendments, one of which would have denied any authority to the U.S. Supreme Court to order reapportionment of State legislatures.

That amendment application has been approved by 13 State legislatures to date. It is not quite certain what its constitutional status is as compared with the amendment which the Senator from Illinois [Mr. DIRKSEN] will offer in the Congress if the present Dirksen-Mansfield amendment to the foreign aid bill is adopted.

The present Dirksen-Mansfield amendment would anesthetize for a period of time—the precise duration of which is uncertain—any present or future action of the Supreme Court in ordering reapportionment, and would freeze the State legislatures, with the possible exception of two or three, in their present malapportioned form.

My colleague was completely frank in saying that it is his intention, when Congress reconvenes in January, to introduce a constitutional amendment which would establish a permanent prohibition against any order of the Supreme Court providing for reapportionment.

If the present effort is successful in the House and the Senate—and particularly

if the cloture motion is approved on Thursday by a two-thirds vote—I think we can be certain that, unless there are appreciable changes in the composition of the Congress by January, such an amendment would go through Congress and that the present malapportioned State legislatures would then undoubtedly ratify it. That is what is at stake in this whole issue.

It is a very grave issue.

Mr. Freund, some weeks ago, wrote me a very detailed letter before the full tactics in connection with the Dirksen-Mansfield amendment were revealed.

I ask unanimous consent that this letter appear at this point in the RECORD.

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

ARTHUR J. FREUND,
ATTORNEY AT LAW,
7 NORTH SEVENTH STREET,
ST. LOUIS, MO., *July 30, 1964.*

Re proposals to amend the U.S. Constitution relating to apportionment in State legislatures.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: In utmost earnestness I write you regarding the current proposals to amend the Constitution of the United States so as to deprive the Federal courts of jurisdiction in causes having to do with the malapportionment of State legislatures.

You are aware that I was one of those who early advocated opposition to the three proposals of the Council of State Governments to amend the Constitution. One of the Council's proposals was designed to nullify the decision of the Supreme Court of the United States in *Baker* v. *Carr*, (1962) 369 U.S. 186, relating to the malapportionment of a State legislature, and it is one of a number of proposals on this subject now before the Congress. S.J. Res. 181, introduced by Senator STENNIS on July 8, 1964, and S.J. Res. 185, introduced by Senator DIRKSEN on July 23, 1964, are also typical of proposals directed to the same ultimate end. The proposals to amend the Constitution and dilute the judicial process generated by *Baker* v. *Carr* have been multiplied as a result of the more recent decisions of the Supreme Court requiring equal population representation in both houses of State legislatures where the bicameral system prevails, delivered on June 15, 1964. In *Reynolds* v. *Sims*, —— U.S. ——, 12 L. ed. 2d 506, the Court held that the malapportionment of the Alabama Legislature was in contravention of the equal protection clause of the Constitution. This was followed on the same day by comparable holdings with respect to the legislature in New York (*WMCA* v. *Lomenzo*, —— U.S. ——, 12 L. ed. 2d 568); in Maryland (*Maryland Committee* v. *Tawes*, —— U.S. ——, 12 L. ed. 2d 595); in Virginia (*Davis* v. *Mann*, —— U.S. ——, 12 L. ed. 2d 609); in Delaware (*Roman* v. *Sincock*, —— U.S. ——, 12 L. ed. 2d 620); and in Colorado (*Lucas* v. *Colorado General Assembly*, —— U.S. ——, L. ed. 2d 632). On June 22, 1964, the Court delivered like opinions affecting the State of Washington, (*Meyers* v. *Thigpen*, —— U.S. ——, 12 L. ed. 2d 1024) and Oklahoma (*Williams* v. *Moss*, —— U.S. ——, 12 L. ed. 2d. 1026).

The essence of the opinions in these cases, as it was in *Baker* v. *Carr*, is stated by the Chief Justice in *Reynolds* v. *Sims*, supra, at 12 L. ed. 2d 506, 527 l.c.:

"Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our [State] legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system.

"We conclude that the equal protection clause guarantees the opportunity for equal participation by all voters in the election of State legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the 14th amendment just as much as invidious discriminations based upon factors such as race * * *, or economic status * * *. (12 L. ed. 2d 529, 530 l.c.)"

The proposals now before Congress in both Houses of the Congress to amend the Constitution to reverse the effect of these decisions take a variety of the forms, but they proceed from the same approach as does the proposal of the Council of State Governments which would amend the Constitution to provide: "The judicial power to the United States shall not extend to any suit in law or equity, or to any controversy relating to apportionment of representation in a State legislature."

This specific proposal has been disapproved by the American Bar Association, the Missouri Bar, the Bar Association of St. Louis, the Bar Association of St. Louis County, the Madison County (Ill.) Bar Association, the Bar Association of Kansas City, Mo., the Association of the Bar of the City of New York, the Essex County (N.J.) Bar Association, the Philadelphia Bar Association, as well as by a large number of other National, State, and local bar groups from one end of the country to the other.

The proposals now before Congress on this subject would withdraw from Federal constitutional protection the equal and effective exercise of political rights which are fundamental and essential to a true representative democracy. They would, if any of them should be ultimately adopted, constitute the first diminution in our history of any Federal guarantee of liberty, justice or equality. More specifically, the equal protection clause has up to now been left, as it came into the Constitution, entirely universal and unqualified; "equal protection of the laws," not as to some matters, but as to all. To begin diluting any of our constitutional guarantees, to begin introducing exceptions into the concept of equality under law are alarming and portentous steps. It is ironical that the likelihood that some of the flagrant present abuses in State apportionment may be eliminated by Federal judicial action should be the stimulus for an assault upon one of the most cherished of all the constitutional safeguards of our civil liberties.

Moreover, any diminution or exclusion of Federal judicial power in this area would reach far beyond the equal protection clause and could have consequences not foreseen or even desired by many of those persons who support such proposals. For example, if the proposal of the Council of State Governments or the proposal of Congressman WILLIAM M. MCCULLOCH, or the proposal of Senator STENNIS, or that of Senator DIRKSEN were adopted, any State which used apportionment as a guise for practicing the most extreme forms of racial, economic or other invidious discrimination would be completely insulated from any effective restraint. By the same token even the Congress would be rendered almost powerless to implement the purpose of the 15th amendment, since any meaningful legislation would require judicial enforcement of the very kind that would be eliminated by the plan proposed. It is fair to say that the adoption of such a proposal would operate not only as a sanction, but as an invitation for legislatures so disposed to evolve apportionment schemes with the most opprobrious consequences for any system of representative government. It is not unreasonable to suggest that a State government which would profit from any arrangement to perpetuate itself in power would not be inclined to change that arrangement if it were immunized from any judicial intervention.

These considerations and others raise questions of the gravest import; they are considerations basic to the political and constitutional continuation of our present form of government. They should have the most careful scrutiny by both Houses of the Congress and by its committees charged with responsibility in this vital area. Before any final conclusion is reached by Congress there should be an intensive national debate concerning the objectives sought by the proponents of such proposals since their aims affect every citizen in every State of the Union.

Such a debate—and adequate time and preparation for it—must be had so that there may be informed and national molding of sentiment on proposals of such paramount significance. Only in that orderly way, the typical American way, can a sound and mature conclusion be reached by our people who, in the last analysis, must make the decision.

It is my hope that the most careful consideration of these proposals will be given by the Committee on the Judiciary of the Senate, as well as the House. These proposals involve the basic postulates of the American constitutional system of government and your committee could have no greater responsibility or duty than to protect and defend the Constitution.

I urge you to give your utmost consideration to this subject; to encourage a most comprehensive study and discussion by the bar and press, as well as all other informed sources, upon the effect of any of the proposals on the operation and the maintenance of our constitutional form of government. Sober, thoughtful, and informed consideration rather than speed should, in my view, govern the deliberations of Congress in one of the most important constitutional crises to arise in our time.

Respectfully,

ARTHUR J. FREUND.

Mr. DOUGLAS. Mr. Freund writes that:

The proposals now before Congress on this subject would withdraw from Federal constitutional protection the equal and effective exercise of political rights which are fundamental and essential to a true representative democracy. They would, if any of them should be ultimately adopted, constitute the first diminution in our history of any Federal guarantee of liberty, justice or equality. More specifically, the equal protection clause—

Which, as we know, is in the 14th amendment—

has up to now been left, as it came into the Constitution, entirely universal and unqualified; "equal protection of the laws," not as to some matters, but as to all. To begin diluting any of our constitutional guarantees, to begin introducing exceptions into the concept of equality under law are alarming and portentous steps. It is ironical that the likelihood that some of the flagrant present abuses in State apportionment may be eliminated by Federal judicial action should be the stimulus for an assault upon one of the most cherished of all the constitutional safeguards of our civil liberties.

Mr. President, to cite only 1 or 2 examples of grossly unfair representation from among the thousands which exist, 14,000 people in 1 senatorial district in California have the same representation in the California Senate as the more than 6 million people in Los Angeles County.

A hamlet of 36 people in Vermont has the same representation in the lower house in Vermont as a city of 38,000.

There is gross malapportionment in Tennessee and in Alabama, which the Supreme Court sought to correct.

There is gross malapportionment in New Jersey, Maryland, and New York. There is appreciable malapportionment in my State of Illinois.

We can call the roll of State after State in which the metropolitan population has increased over the recent years by a third or approximately two-thirds without any adjustments to accord fair representation.

I see in the Chamber the distinguished Senator from Florida [Mr. HOLLAND]. The latest figures I have been able to obtain from the State of Florida indicate that 15 percent of the population of Florida elects a majority in both the Florida Senate and the Florida House.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. Then I shall take my seat and continue at another time.

AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1460, H.R. 12259.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12259) to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Government of Cuba.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments on page 2, line 1, after the word "Cuba", to insert "which have arisen out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or"; in line 13, after the word "States.", to insert "This title shall not be construed as authorizing an appropriation or as any intention to authorize an appropriation for the purpose of paying such claims."; on page 3, line 20, after the word "Cuba", to insert "arising out of debts for merchandise furnished or services rendered by nationals of the United States without regard to the date on which such merchandise was furnished or services were rendered or"; on page 5, line 10, after the word "and", to strike out "unless" and insert "if considered shall be considered only to the extent"; after line 13, to strike out:

(b) A claim for disability shall not be considered under section 503(b) of this title unless filed by or on behalf of the disabled person. A claim for death under such section shall not be considered unless filed by or on behalf of the widow or widower, child or parents of the deceased person.

And, in lieu thereof, to insert:

(b) A claim for disability under section 503(b) may be considered if it is filed by the disabled person or by his successors in interest; and a claim for death under section 503(b) may be considered if filed by the personal representative of decedent's estate or by a person or persons for pecuniary losses and damage sustained on account of such death. A claim shall not be considered under this section unless the disabled or deceased person was a national of the United States at the time of injury or death and if considered, shall be considered only to the extent the claim has been held by a national or nationals of the United States continuously until the date of filing with the Commission.

On page 7, at the beginning of line 10, to insert a colon and "*Provided*, That the deduction of such amounts shall not be construed as divesting the United States of any rights against the Government of Cuba for the amounts so deducted."; in line 15, after "SEC. 507.", to insert "(a)"; in line 20, after the word "amount", where it appears the second time, to insert a comma and "together with a statement of the evidence relied upon and the reasoning employed in reaching its decision."; after line 22, to insert:

(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

In the heading in line 1, after the word "Appropriations", to insert "And Vesting And Liquidation of Cuban Property"; in line 3, after "SEC. 511.", to insert "(a)"; in line 4, after the word "exceed", to strike out "$750,000" and insert "the aggregate amount of the net proceeds realized from the sale or liquidation of the property of the Government of Cuba pursuant to subsection (b) of this section,"; in line 8, after the word "Commission", to insert "and the Treasury Department"; in the same line, after the word "pay", to strike out "its"; after line 10, to insert:

(b) Any property of the Government of Cuba which was blocked in accordance with the Cuban assets control regulations, July 8, 1963 (31 C.F.R., part 515 et seq.), and which remains so blocked six months following the date of enactment of this title shall vest in such officer or agency as the President may from time to time designate upon such terms as the President or his designee shall direct. Such property shall be sold or otherwise liquidated as expeditiously as possible after vesting under such rules and regulations as the President or his designee may prescribe. So much of the net proceeds remaining upon completion of the liquidation thereof as may be necessary shall be used to reimburse the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this title. Any proceeds remaining thereafter shall be covered into the Treasury to the credit of miscellaneous receipts.

On page 10, after line 3, to insert:

FEES FOR SERVICES

SEC. 512. No remuneration on account of any services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 per centum of so much of the total amount of such claim, as determined under this title, as does not exceed $20,000, plus 5 per centum of so much of such amount, if any, as exceeds $20,000. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

And, at the beginning of line 18, to change the section number from "512" to "513".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1521), explaining the purposes of the bill.

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

BASIC PURPOSE OF BILL

The basic purpose of H.R. 12259 is to authorize the Foreign Claims Settlement Commission to receive and determine the amount and validity of claims of American nationals against the Government of Cuba which have arisen since January 1, 1959, for the nationalization or expropriation of their property and for disability or death arising out of violations of international law by the Government of Cuba. The bill also authorizes the receipt and determination of claims for merchandise furnished and services rendered before January 1, 1959.

COMMITTEE ACTION

H.R. 12259 was passed by the House of Representatives on August 12, 1964, and referred to the Committee on Foreign Relations the following day. At that time, testimony was received in executive session from Mr. Leonard C. Meeker, the Acting Legal Adviser of the Department of State, who proposed several amendments to H.R. 12259. Mr. Meeker's statement and the Department's letter dated August 13 are included in the appendix to this report. In addition to the amendments suggested by the State Department, the committee also added other amendments designed to discourage speculation in the claims; to limit the amount of attorneys' fees which could be collected for services rendered to any claimant; to make clear that the bill affords no basis for any appropriation now or in the future for the purpose of paying the claims in question out of Federal funds; to provide for the sale or liquidation of Cuban Government assets blocked by the United States with the proceeds used to pay the administrative expenses under the bill; and to subrogate the Treasury to such claims as may previously have been reflected in tax benefits to the claimants. On September 1, 1964, H.R. 12259 was considered further in executive session and the committee voted to report it favorably with the amendments outlined above.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LUMMI INDIAN RESERVATION, WASHINGTON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1463, S. 3114.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3114) to provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington through a drainage and diking district formed under the laws of the State.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 8, after the word "Interior.", to strike out "The Secretary shall consent to such sale if he determines that the Indian owner is able to pay such assessment, and if the Secretary refuses to consent to such sale, he shall pay the assessment out of any appropriation or fund available therefor, and such payment shall be nonreimbursable." and insert "If the Secretary refuses to consent to such sale, he shall pay the assessment out of any appropriation or fund available therefor. Any portion of such payment which the Secretary determines to be within the ability of the Indian owner to pay shall become a lien against the land, subject to the provisions of the Act of July 1, 1932 (47 Stat. 564)."; in line 22, after the word "maintenance", to strike out "assessments"; in line 23, after the word "effective", to strike out "against all lands within the limits of the Lummi Indian diking project as established by the Act of March 18, 1926 (44 Stat. 211)"; on page 3, line 2, after the word "project", to strike out "heretofore" and insert "which on the date of this Act is in a trust or restricted status and which have heretofore been"; in line 5, after the word "penalties", to insert "and deposited in the Treasury"; in line 8, after the word "made", to strike out "for such purposes"; and on page 4, line 11, after the word "district", to strike out "if the nonrestricted lands in the new district are assessed an equivalent amount on a per acre basis" and insert "if the owners of nonrestricted lands in the new district contribute an amount equal to the value of such equipment and funds"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indian trust or restricted lands within the limits of the Lummi Indian diking project as established by the Act of March 18, 1926 (44 Stat. 211), may be included in, and may be assessed for operation and maintenance, betterment, and construction by, any diking and drainage district that may be formed under the diking and drainage laws of the State of Washington: *Provided,* That such Indian lands shall be assessed on the same basis that all other lands within the district are assessed. Such assessments may be collected in accordance with the laws of the State of Washington, except that no Indian trust or restricted lands shall be sold for the collection of an assessment without the consent of the Secretary of the Interior. If the Secretary refuses to consent to such sale, he shall pay the assessment out of any appropriation or fund available therefor. Any portion of such payment which the Secretary determines to be within the ability of the Indian owner to pay shall become a lien against the land, subject to the provisions of the Act of July 1, 1932 (47 Stat. 564).

SEC. 2. (a) The Secretary of the Interior shall cancel all outstanding charges for construction, operation, and maintenance, including any interest or penalties, outstanding on the date this section becomes effective.

(b) All assessments against each tract of land within the project which on the date of this Act is in a trust or restricted status and which have heretofore been collected for construction, operation, and maintenance, including interest and penalties, and deposited in the Treasury shall be transferred on the books of the Treasury into an account that shall be available to the Secretary of the Interior to pay any assessments hereafter made against each such tract pursuant to this Act.

(c) The provisions of subsections (a) and (b) of this section shall become effective on the date of approval of the organization by the Whatcom County commissioners of the new diking and drainage district.

(d) Operation and maintenance assessments shall continue to be made but their collection shall be suspended for not to exceed two years until the new diking and drainage district is formed. If the new district is formed within such two-year period such assessments shall be canceled. If the new district is not formed within such period the assessments shall be collected with interest and penalties thereafter accruing.

SEC. 3. At such time as the diking and drainage district covering the Indian trust and restricted lands within the Lummi diking project shall be established under the laws of Washington and shall be in operation, the Government shall thereupon be relieved of any further responsibility of whatever nature in connection with the operation and maintenance, betterment, or construction of any dikes, structures, drains, or any appurtenant works existing on the Lummi diking project, including any responsibility for damages that may result from the failure of any dikes, dams, structures, or appurtenant works heretofore or hereafter constructed. Any equipment and funds standing to the credit of the Lummi diking project on the books of the Secretary of the Interior at such time shall be paid and turned over to such diking and drainage district if the owners of nonrestricted lands in the new district contribute an amount equal to the value of such equipment and funds. Any right, title, or interest of the United States in and to any of the dikes or other structures erected as part of the Lummi diking project, and the lands on which they are located, shall be deemed to be conveyed to the county of Whatcom, State of Washington, for the use and benefit of such diking and drainage district on the date the district is organized. The Bureau of Indian Affairs is directed to make available to such diking and drainage district or to the county of Whatcom any information, data, or documents which may assist in its organization or operation.

SEC. 4. Nothing in this Act shall be construed to affect the Lummi Indians' hunting or fishing rights.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1524), explaining the purposes of the bill.

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

PURPOSE

The purposes of S. 3114, as amended, are:

1. To permit Indian trust or restricted land within the Lummi Indian diking project to be included in a diking and drainage district that is to be formed under the laws of the State of Washington. The Indian lands may be assessed on the same basis that all other lands are assessed. If an assessment is not paid by an Indian owner, the Secretary must either consent to the sale of the land in order to pay the assessment, or pay the assessment out of Federal funds if he finds that the Indian owner is unable to pay. If the Secretary finds it is within the ability of the Indian owner to pay a portion of the assessment, that portion will become a lien against the land subject to the provisions of the Leavitt Act of 1932.

2. To direct the Secretary to cancel all outstanding charges for construction and for operation and maintenance, including interest and penalties, against lands in the Lummi Indian diking project. The provision applies both to Indian and to non-Indian land. The amounts that would be canceled, as of June 30, 1964, are $95,679.32 for construction and $56,015.78 for operation and maintenance.

3. To direct the Secretary to use the assessments previously collected for Indian lands in a trust or restricted status on the date of this act to pay assessments made in the future by the new State district. This provision applies only to Indian land. The amounts of the prior collections are $46,796.89 for construction and $8,024.02 for operation and maintenance.

4. To provide for a transfer to the new State district, when organized, of all equipment and funds of the Indian project, if the non-Indian lands in the new district contributed an amount equal to the value of such equipment and funds. As of June 30, 1964, the value of the equipment was $18,094.17 and the funds on deposit were $8,392.46, making a total of $26,486.63 which would need to be assessed against the non-Indian lands in the district.

5. To also provide that title to the dikes or other structures, and the lands on which they are located, will be transferred to the new district, and that the Federal Government will thereupon be relieved of any responsibility for further operation, maintenance, betterment, or construction on the Indian project. The book value of such structures was $175,134.98 on June 30, 1964. This represents the total reimbursable construction cost plus additional nonreimbursable money derived from old emergency relief programs.

NEED

The Lummi Indian diking project was constructed and has been maintained by the Department of the Interior under authority of the act of March 18, 1926 (44 Stat. 211). The project consists of 14.7 miles of dikes and drainage ditches and tide gates. These works protect 4,200 acres of low-lying land within the boundaries of the reservation and adjoining lowland outside the reservation.

The authorization act provided that the cost of the project should be distributed equitably among the lands in Indian ownership and the land in private ownership that would be benefited; that Indian owners would not be required to execute repayment contracts but that construction costs should become liens against their land, collectible under regulations prescribed by the Secretary of the Interior; and that no construction should be undertaken for the benefit of land in private ownership until the owners had executed repayment contracts.

Through an error, repayment contracts were not obtained from five non-Indians owning 502 acres because the project officials thought the lands were Indian owned. These owners refused to make their payments and won their case in court when suit was filed against them. As a result of the outcome of this case, other non-Indian landowners have refused to pay their assessments. Litigation to collect these delinquent charges has been commenced and the proceedings are pending.

The organization of a State district to take over the project would be to the advantage of the Government in that—

1. The responsibility for future betterment and construction would be transferred from the Government to the district.

2. The function of collecting future operation and maintenance assessments would be transferred from the Government to the district.

3. The controversy over future collection would be resolved by making all landowners subject to the same rules.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1465, 1466, 1467, and 1468, in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BREAKS INTERSTATE PARK COMPACT

The bill (H.R. 11162) granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1526), explaining the purposes of the bill.

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

PURPOSE

The purpose of H.R. 11162 is to give the consent of the Congress to a proposed amendment to a 1954 compact between the Commonwealths of Virginia and Kentucky which would authorize the States to grant the power of eminent domain within the States to the park commission established by the compact.

Article III of the Breaks Interstate Park compact, to which the consent of Congress was given by the act of July 27, 1954 (68 Stat. 571), provides that each of the two States concerned "will exercise the right of eminent domain to acquire property located within each Commonwealth required by [the Breaks Interstate Park] Commission to effectuate the purpose of this compact." After experience in operating under this provision, the two States have decided that procedure would be simplified if the power of eminent domain were given directly to the Commission and have so provided by appropriate acts of their legislatures. Enactment of H.R. 11162 is needed to permit this decision to become effective, since article I, section 10, clause 3 of the Constitution provides that "No State shall, without the consent of Congress, * * * enter into any agreement or compact with another State."

COST

Enactment of H.R. 11162 will entail no cost to the United States.

MORRISTOWN NATIONAL HISTORICAL PARK, N.J.

The bill (H.R. 3396) to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1527), explaining the purposes of the bill.

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

PURPOSE

The purpose of H.R. 3396, is to authorize the addition of 281 acres of land to the Morristown National Historical Park.

NEED

The Morristown National Historical Park was established in 1933 pursuant to the act of March 2, 1933 (47 Stat. 1421, 16 U.S.C. 409 et seq.), to preserve the site of the principal encampment of the Continental Army in 1779–80. It now includes 960 acres and is visited by nearly 500,000 people a year.

At the time the park was created, certain of the lands which ought to have been included within it were not available. It is this area—an area on most of which Stark's brigade camped—to which H.R. 3396 pertains. Stark's brigade of 1,000 men, principally from Massachusetts, Connecticut, and Rhode Island, was an important factor in the two battles of Springfield. These battles permanently defeated British attempts to overrun New Jersey during the Revolution.

The land in question will be a valuable addition to the park not merely because it is the site of this encampment but because it is in essentially the same state as it was 183 years ago. Moreover, as the Interior Department's report on H.R. 3396 indicates, there is in existence a detailed contemporary map showing the layout of the huts occupied by the men of Stark's brigade while they were stationed on the site. This will aid greatly in interpretation of the area and in potential reconstruction of typical portions of the camp for the education and enlightenment of visitors to the park.

COST

The estimated cost of acquiring the 281 acres for which the bill, as amended, makes provision is $281,000.

EXCHANGE OF CERTAIN PROPERTY AT INDEPENDENCE NATIONAL HISTORICAL PARK

The bill (H.R. 7096) to authorize the exchange of certain property at Independence National Historical Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1529), explaining the purposes of the bill.

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

PURPOSE

The purpose of H.R. 7096 is to authorize an exchange of two pieces of property in Philadelphia, one under the jurisdiction of the National Park Service, the other under the Philadelphia Redevelopment Authority.

NEED

The National Park Service property involved in H.R. 7096 is a tract of about 15,700 square feet with several small buildings on it. The site and the buildings on it are used for administrative purposes in connection with the Independence National Historical Park but are inadequate and poorly located for these purposes. The redevelopment authority already owns or is about to acquire a 9,300-square-foot parcel which it is willing to exchange for the Federal land. On this parcel are two substantial buildings which, with some modifications, will serve National Park Service needs better than does the present holding. The two tracts and the improvements on them are reported to be of approximately equal value. The cost of making the necessary modifications to the buildings on the land to be acquired has been estimated to be $125,000 less than would be the cost of constructing adequate facilities on the present site. In addition the new site is in a better location for these purposes than the present site.

COST

The proposed exchange will require no expenditure of Federal funds. Rehabilitation costs for the buildings on the site to be acquired will be about $200,000.

CLAIR ENGLE LAKE, CALIF.

The Senate proceeded to consider the bill (S. 3143) to designate as Clair Engle Lake the reservoir created by the Trinity Dam, Central Valley project, California, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 1, line 6, after the word "late", to strike out "Senator"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservoir created by the Trinity Dam, Central Valley project, California, shall hereafter be known as Clair Engle Lake as an appropriate tribute to the outstanding leadership and great service which the late Clair Engle performed on behalf of the development of our natural resources in the State of California and the Nation, and especially his enlightened vision for the necessity to conserve and put to the best possible beneficial use the water and power resources of this Nation, and any law, regulation, document, or record of the United States in which such reservoir is designated or referred to shall hereafter be held to refer to such reservoir by the name of Clair Engle Lake.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1528), explaining the purposes of the bill.

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

PURPOSE

The purpose of S. 3143 is to honor the late Senator Clair Engle, of California, for his outstanding leadership, his unflagging efforts, and his historic accomplishments to western water, power, and recreational development. As a specific means of accomplishing this purpose, the bill would name the reservoir created by the Trinity Dam, a key unit of the great Central Valley project, of California, the Clair Engle Lake.

In his 21-year career as a Member of the House of Representatives and of the Senate, Senator Engle participated actively in most of the major legislation affecting water developments in the Central Valley. He came from the mountain district in which Trinity Dam is located and represented it in Congress.

The lake which would be named Clair Engle Lake by S. 3143 covers an area of some 16,500 acres, and has a capacity of 2,500,000 acre-feet. It is a major water area of north central California, and a vital source of supply for water for irrigation and for production of power.

COMMITTEE AMENDMENT

The committee struck the word "Senator" from page 1, line 6, of the bill, since 14 years of his service was in the House of Representatives, where he became chairman of the Committee on Interior and Insular Affairs, the committee with initial responsibility for Central Valley and other irrigation and water resource development legislation.

SENATOR GOLDWATER'S PROPOSAL FOR A 25-PERCENT REDUCTION IN TAX PAYMENTS

Mr. MANSFIELD. Mr. President, I have been reading with interest a speech which the distinguished Senator from Arizona [Mr. GOLDWATER] is due to deliver today in California, if he has not already done so.

It is my understanding that that speech will call for a 25-percent reduction in tax payments, which, I assume, will apply to income taxes, but perhaps primarily to corporation taxes.

It is my further understanding that in the speech the suggestion will be made that the tax would be reduced 5 percent each year for the next 5 years. I have in my hand what is referred to as a "budget pie." It indicates just where the budget dollar goes. According to this pie, 62 cents of every tax dollar goes for defense, space, and international affairs. Five cents goes for agriculture. Five cents goes for veterans. Eleven cents goes for interest. Six cents goes for labor, health, and welfare. Eleven cents goes for other items.

I shall be looking forward with great interest to the details which the distinguished candidate of the Republican Party will furnish, as to how he intends to reduce the present tax structure by 25 percent over the next 5 years.

I shall also be interested in the reaction to the proposal of such believers in fiscal solvency as the distinguished Senator from Virginia [Mr. BYRD], the distinguished Senator from Delaware [Mr. WILLIAMS], the distinguished Senator from Utah [Mr. BENNETT], and other members of the Committee on Finance, as well as members of the Committee on Appropriations.

No one would be happier than the Senator from Montana to have the assurance that his taxes would be reduced by 25 percent in the next 5 years. I am sure that what I say applies to most if not all other Members of the Senate as well.

Therefore, I say again that I am looking forward with great interest to the details and the specifics in the speech to be given today, calling for a 25-percent tax reduction over the next 5 years.

CONGRESSIONAL STAFFING FOR SCIENCE AND TECHNOLOGY

Mr. MONRONEY. Mr. President, one of the outstanding accomplishments of this Congress is the action taken to solve the problem of obtaining professional advice on scientific and technological questions involved in the legislative process. The appropriation of funds to establish a Science Policy Research Division in the Legislative Reference Service of the Library of Congress is the latest in a series of steps taken by the Congress to improve the effectiveness of its staff.

I have a special and a long-term interest in providing professional staff assistance for Congress. This interest stems from my service as vice chairman of the Joint Committee on the Organization of Congress which was responsible for the proposals enacted in the Legislative Reorganization Act of 1946. For more than 20 years, therefore, I have been concerned with the ways and means whereby we can improve the legislative output by infusing into it the best, the most authentic, and prudent advice we can obtain on all questions we are called upon to consider.

More recently, I have paid particular attention to the problem of advice to Congress in the many fields included in the general area of science and technology. As chairman of the Subcommittee of the Senate Committee on Appropriations which is responsible for the review and analysis of funds required for the legislative branch of the Government, I have had occasion during this session to study the pros and cons of all major proposals concerned with assisting Congress to play an outstanding role in this technological age. We seriously considered the advisability of creating advisory units of scientists and engineers within the structure of the House of Representatives and the Senate. We also considered the ideas of those who would have had us set up an advisory scientific and technical organization entirely separate from existing legislative organs. We considered the nature of legislative problems in which the various science and engineering specialties figured as elements.

Ultimately we concluded that the fundamental concepts of professional staff assistance to Members and committees of Congress, originally set forth in the report of the Joint Committee on the Organization of Congress in 1946, still constituted the most valid premises upon which to proceed. At that time we recognized that there are many legislative tasks involving highly technical matters, and that we would require expert advice, for example, in such specialized fields as finance, taxation, public works, and many other areas in which the Congress is called upon to legislate. We considered that rarely, however, would the formulation of public policy depend solely upon scientific and technical facts, essential as they undoubtedly are. We knew that the solution of public questions involves the identification and assembly of all pertinent elements of a problem so that laws which are to affect all people will be equitable and practicable. It was upon this philosophic basis that the Legislative Reference Service was expanded in 1946. The act provides:

(1) upon request, to advise and assist any committee of either House or any joint committee in the analysis, appraisal, and evaluation of legislative proposals pending before it, or of recommendations submitted to Congress, by the President or any executive agency, and otherwise to assist in furnishing a basis for the proper determination of measures before the committee;

(2) upon request, or upon its own initiative in anticipation of requests, to gather, classify, analyze, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for a bearing upon legislation, and to render such data serviceable to Congress, and committees and Members thereof, without partisan bias in selection or presentation;

(3) to prepare summaries and digests of public hearings before committees of the Congress, and of bills and resolutions of a public general nature introduced in either House.

We also made provision in 1946 for the appointment of senior specialists in a number of broad fields. It is from our experience with this system during the past 18 years that we have found some of the keys to evaluating legislative proposals concerned with the formulation of public policy in engineering and public works, transportation and communication, international affairs, taxation and fiscal matters.

There is no reason why the same staffing arrangement that has worked for subjects as technical as tariffs and income taxes should not work for problems including the various scientific and engineering disciplines. Indeed, we have already had evidence from the work of the professional staff of the Legislative Reference Service in national defense, outer space, and water resources that problems involving science and public policy can be analyzed in terms which assist the committees and Members of Congress to meet their legislative responsibilities.

I join other Members of the House and Senate in hopeful anticipation that the new Science Policy Research Division of the Legislative Reference Service, will develop successfully under the direction of Dr. Edward Wenk, Jr. Dr. Wenk's experience in both the legislative and executive branches of the Government is invaluable in meeting his new responsibilities of advising Congress on science, engineering, and public policy.

BETTER UNDERSTANDING AMONG PEOPLES OF THE WORLD THROUGH MUSIC

Mrs. SMITH. Mr. President, Eleanor Sterling has written an interesting story for the Brunswick, Maine, Record about a fascinating person and her contribution toward better understanding among peoples of the world through music.

I ask unanimous consent to include this story in the RECORD and recommend its reading by the readers of the RECORD.

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

PEGGY STUART COOLIDGE: LADY MUSICIAN WILL LIFT IRON CURTAIN ONCE AGAIN

(By Eleanor Sterling)

CUNDYS HARBOR.—A multitalented musical rebel from Boston's Back Bay who has been a summer resident of Bear Island, Cundys Harbor, for 40 years, has been invited to travel behind the Iron Curtain this fall as a guest of the Russian, Polish, and Hungarian Governments, appearing in concerts of her own compositions. The traveling pianist-composer-conductor is Peggy Stuart Coolidge.

This latest invitation follows a visit to Hungary last year when Mrs. Coolidge became the first American woman composer to play behind the Iron Curtain, but firsts are nothing new for this one-time Boston debutante.

She began setting precedents while still in her teens by writing the first ballet ever composed specifically for ice skaters; organizing and directing this country's first and only Junior League orchestra; and, more recently, writing a full-length ballet, "A Night in New Orleans—1835," and a "Rhapsody for Harp and Orchestra," commissioned by the noted harpist Aristid von Wurtzler and the first work of this order to be composed in the contemporary American idiom for harp in this generation. (It will be published by Vox Records in September.)

BOSTON BACKGROUND

Turning her polite Boston background to advantage even further, she has proven the drive that underlies her charm and musical talents: in the early 1950's Peggy Coolidge was stricken with polio and paralyzed in both legs. She was told by her doctors that she would never walk again. "I fooled them," she says simply. She walks perfectly and unaided.

Peggy Coolidge began studying the piano when she was five and at nine composed her first song. She was encouraged at home and at school, and later studied the piano with Heinrich Gebhard, who also counted among his students Leonard Bernstein. In addition to a wide range of concert compositions she has written movie and theater scores ("The Silken Affair" and Sean O'Casey's "Red Roses for Me"), performed a succession of her own works with the Boston Pops under Arthur Fiedler which have also been performed by other European and American orchestras, and has begun releasing single records and albums through London Records, 20th Century Fox, and Vox.

FOR EACH RECORD

On her wrist she wears a golden bracelet with three large engraved disks given to her by her husband each time she cuts a record. She points to them one at a time: "This was for 'The Unique Artistry of Peggy Stuart Coolidge,' this was for 'Out of the Dark,' this was for 'Twilight City'," and she laughs, "I'm releasing a fourth record, the 'Rhapsody for Harp and Orchestra,' this fall, looking for a place on the bracelet for yet another disk.

The proud and generous husband is Joseph R. Coolidge, a movie producer and writer whose background (also Bostonian) was in engineering, industrial advertising, and television "way back in the beginnings." He characterizes himself as the first living casualty of Saigon, this after having come through service in World War II unscathed.

"You know how the John Birch Society named itself after the guy they claim was the first casualty of World War III? Well, he was hit on the 3d of September and I was hit on the 25th—but I survived. The fellows in my club are thinking of naming a Joe Coolidge Society for me."

CITY ROCKS

He tells the story of the Coolidge's New York apartment terrace, which Peggy felt needed rocks: "She found the rocks she wanted, too, right there in the middle of Manhattan, but they were also right in the middle of a store display at Bloomingdale's. So we got our friends—we invited only the big and husky ones—to help us cart the rocks away, after we'd gotten permission, of course. Well, we had to haul them out through men's wear, and one salesman looked at us going by and remarked 'well now I know you can buy anything at Bloomingdales.' A drunk made his way out of a bar on Third Avenue, looked at our wheelbarrows full of rocks, and hollered "There's gold in them thar' hills.' "

Peggy herself says of her husband, "Behind the scenes, he's the power in the whole production. He's a great traveler also; I would never have dared to do all this without him; and he manages to carry on his own business career while we move about."

He says, "When she's composing it's not fun to listen to, but our landlord, who lives below us, doesn't seem to mind, so how can I complain? Once though, when he was feeling badly he did say he hoped it would not go on much longer."

"Fortunately," says Peggy, "I can do a lot of my work up here in Maine. I'm so fond of it here—Bear Island is so much a part of me. I did the orchestration for 'The Islands' here and the music for 'Red Roses for Me.' This is a wonderful place to work, to compose in."

ROSEVILLE, CALIF., GIVES AID TO SEWARD, ALASKA

Mr. GRUENING. Mr. President, the real meaning of friendship and the phrase "help thy neighbor" sometimes are best illustrated during times of crisis and tragedy. Following the terrible Good Friday earthquake and subsequent seismic waves, the central portion of Alaska was badly damaged. Outstanding examples of thoughtfulness and assistance came from throughout this Nation and from other countries.

Today, I wish to call to the attention of readers of the CONGRESSIONAL RECORD the efforts extended by the residents of Roseville, Calif., to the Alaskans who live in Roseville's sister All America City of Seward.

Roseville offered its help at once, and then set to work to anticipate the needed, long-range improvements of Seward. Positive results include a check for $2,570 personally presented by three Roseville men.

The story is not ended. Much remains to be done in Seward and in the other Alaskan cities devastated by that March 27 blow. Efforts of men, women, and children living thousands of miles away have helped and will help.

I am happy to have this opportunity to thank Roseville, Calif., and to express the gratitude that I know the people of Seward and, indeed, all the people of Alaska feel. A report on the efforts of Roseville has been compiled by the president of the chamber of commerce, Dr. Gordon Harris. His report was called to my attention by Representative HAROLD T. "BIZZ" JOHNSON, of California's Second District; and I ask unanimous consent that the report be printed in the RECORD at the close of my remarks.

Representative JOHNSON is a former mayor of Roseville. He has good reason to be proud of the city he represents so ably in the House of Representatives. As a member of the Subcommittee on Mines and Mining of the House Committee on Interior and Insular Affairs, he has worked arduously to help the mining industry, whose health is also important in Alaska.

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

ROSEVILLE, CALIF., AID TO SEWARD, ALASKA

Parachute jumpers refer to the term "free fall" in describing a long delayed opening of their chute, always exciting and often suspenseful.

On an analogous basis the people of Roseville started what was for them to be a long, "free fall" in their quest to aid their sister All America City, Seward, Alaska, which was devastated in the earthquake and tidal wave of Good Friday, 1964.

As the first press and radio reports about Seward's plight came in on Saturday, March 28, 1964, Roseville Chamber of Commerce Executive Director Paul Short and Chamber President Dr. Gordon Harris discussed the situation and after consulting with the executive committee of the chamber, began formulating plans to assist Seward. Telegrams were sent to the chamber officers in the other nine All America Cities suggesting action. With communications cut off and only a few grim television pictures of an apparently burning city to view, the two men contacted radio ham Ed Metke who spent many hours at his set talking to some of the Alaska operators trying to get some information about Seward's fate. Meanwhile the basic mechanics for a food and clothing drive were set up over the rest of the weekend, officials at a nearby Air Force base contacted to obtain aircraft for an airlift, and initial contacts made in the community.

Then came the delay. A radio message from City Manager James Harrison, of Seward, relayed by an Alaska radio ham, was received on Wednesday. "We cannot use your help at this time. Your offer is typical of the entire national response to our disaster." Plans were shelved immediately for the food and clothing drive and the people awaited reports in the following weeks on what was to be Seward's fate. Some reports stated the railroad would not be rebuilt and Seward would die.

Then, early in May, Seward's acting assistant city manager, Jack Werner, came to Roseville on a return trip from Washington, D.C., with the good news that the railroad would be rebuilt. He graphically described the city's situation and told what was needed.

Chamber officials used his visit to pull the ripcord and end the long suspenseful "free fall." Now began the great task of recapturing the effect and impact of Seward's disaster after almost 7 weeks.

Roseville is a town of 17,000 people located in the fringe of a great metropolitan area. It has no local radio or television stations, but it does have an energetic and public spirited local newspaper willing to take a message to the people. The paper provided major, front page coverage of all the events in the Seward campaign. Coverage was also provided by the area newspapers as well.

A chamber of commerce committee was established headed by former Alaska resident, Dr. Al Erven, who wrote personal letters to the 75 organizations comprising Roseville's Citizens Congress. Dr. Erven included a graphic personal letter written by one of the earthquake victims. Volunteers appeared before many of the organizations and used a pictorial display prepared by Chamber Executive Director Paul Short, to convey the extent of the disaster and the need for funds.

A tape recording was made of Mr. Werner's talk to the chamber of commerce and was played over regional radio stations both in original and excerpted form. Appearances by Mr. Werner and his comments to newscasters were rerun over radio and television. News releases were prepared by the chamber and a series of events pointing toward the last week in May and the beginning of June were set up as the campaign gained momentum.

At the end of May the 3,000 grade school children of Roseville held a "Seward Day" with voluntary contributions as one major event of the week. Students at the high school voted a direct contribution of funds

and then held a special dance with additional proceeds for the Seward fund.

Service clubs, fraternal organizations, school parent groups, women's sororities, and employee groups forwarded funds. The Lions' Club held a special Seward Wednesday meeting and the 52 members raised $170 for the fund through good natured "fines" and contributions from individuals.

A local putting green sponsored a contest between the police chief and the owner of the newspaper with all funds going to Seward.

Without doubt the most successful event was a special Memorial Day hardtop race proposed by track manager Bruno Romani and racing association members Mr. and Mrs. Merion Henderson. The chamber president located Seward businessman Tom Reilly in the San Francisco area who graciously appeared to talk to racing officials and also to lend a publicity impetus to the event.

News releases were prepared, radio and television spots set up, and the racing fans, some new to the sport, responded with the second largest gate in the history of the track. Boy Scouts passed special containers prepared by Mrs. Henderson, the winning driver donated 20 percent of his purse, the fair board rebated part of the stadium rental and food concessionnaires rebated part of their proceeds. The result—$1,000.87 for the people of Seward, Alaska.

A special Seward Sunday collection was arranged by members of the Roseville Ministerial Association to coincide with the June 28 weekend when Seward received its long-delayed All America City Award.

The Roseville Civic Theater prepared a special 3-hour centennial show with half of the proceeds going to the Seward fund.

Trade unions have raised several hundred dollars by "passing the hat" among members and by direct contributions by vote of union members.

Contributions have come in not only from all these organizations but from just plain citizens, some with special letters accompanying the funds stating personal feelings. Included in this classification are some contributions from retired people in the community.

The committee assigned the task of handling the Seward campaign felt strongly that a real effort should be made to give personal meaning to the people of Roseville who had contributed funds. The chamber staff arranged material for a scrapbook covering the letters sent in by people, newspaper clippings following the course of the campaign and other material of interest to the people of Seward. In addition a tape recording was made with many contributors or representative of a group stating his own feelings about the respective contribution. A copy of the excellent talk given by Jack Werner was also included.

At the suggestion of Chamber Executive Director Paul Short, local pilots were contacted and a group of physicians volunteered their plane for a direct flight to Seward. One of the physicians, Dr. Jack Watkins, a former Navy carrier pilot in World War II, offered to fly the plane up. He was joined by another pilot, Glenn Engle, operator of his own flying service who volunteered to share flying and navigation duties on the 5,000-mile trip.

Since survival gear occupied the weight factor of one passenger space, the only remaining space was allotted to Rex Hosea, a vacationing television cameraman who provided his own film to record the journey and also the efforts of the people of Seward toward rebuilding. This films will provide a complete report to the people of Roseville and the surrounding regional area and may spur even more interest in Seward's phoenix-like return to its former status.

The three men delivered a $2,570 check to Seward residents. Roseville's campaign is perhaps unique not in its fund total, but in that it represents a broad base effort involving the total community acting under the leadership of an aggressive chamber of commerce. Citizens have advanced unusual ideas such as the special car race and seen them through to completion. Young school children have participated along with adults. The entire campaign has been a total community effort—the real citizen action found in any vital city.

Roseville has no local community chest, no local Red Cross funds, and over 50 percent of its people already participate in similar efforts at places of employment in the adjacent metropolitan area. This entire campaign was all an extra effort on the part of these citizens.

By way of analogy, the Seward campaign required "rekindling the flame of an old romance" in this case through much publicity some 2 months after Seward's disaster. The flame was rekindled and has burned brightly.

These funds do not go as relief or a handout but are sent by an admiring citizenry who see a small community of 1,800 people meeting the great challenge of survival head-on. It is hoped that the tenacity and desire to come back previously evidenced by the people of Seward in receiving All America City recognition, will be given fresh impetus by the knowledge that young children, working adults and even pensioners, dug a little deeper to help. They all had one sincere desire—to reach out across 3,000 miles and help another city come back from disaster to destiny.

THE VIEWS OF BANKERS ON THE SO-CALLED 25-PERCENT GOLD COVER

Mr. DOUGLAS. Mr. President, as shown in the CONGRESSIONAL RECORD, at page 63, last January I commented on the inquiries which the Joint Economic Committee had been making of leading bankers as to the advantages and disadvantages of modifying or repealing the 25-percent gold reserve requirement against Federal Reserve note and deposit liabilities. In addition to the comments previously cited, comments by another banker have just come to my attention and I think they will be of interest to all who believe that the requirement no longer serves a useful domestic purpose, and weakens the international position of the dollar.

I ask unanimous consent to have printed at this point in the RECORD a clipping from the American Banker of August 25.

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

LOWER FED 25-PERCENT GOLD COVER, BUNTING URGES AT PENNSYLVANIA BANKERS ASSOCIATION SCHOOL OPENER

LEWISBURG, PA.—Now is the time to lower the 25-percent gold cover needed by the Federal Reserve for its obligations, John R. Bunting, vice president and economist, First Pennsylvania Banking & Trust Co., Philadelphia, urged here.

The former Federal Reserve Bank of Philadelphia official addressed the opening banquet Sunday of the 1964 Pennsylvania School of Banking, conducted by the Pennsylvania Bankers Association at Bucknell University.

"The gold situation is not critical at this precise moment," Mr. Bunting said, "but why wait for a crisis before taking action?"

He noted that gold backing has been hovering around the 29-percent level, and as such, has not yet hampered Federal Reserve policy, but it could soon.

"All kinds of uncertainties would creep into the thinking of the business and banking communities if the ratio were permitted to ease down further toward 25 percent," he said. "Action now would allay apprehension and permit a continuation of the sound business and banking policies of the recent past."

He said there's no magic in the 25 percent figure. Before the end of World War II, the requirement was 40 percent. "Most foreign nations have no formal gold cover requirements," he added and warned that a 25-percent gold cover soon will impinge on the Fed's ability to add to the money supply.

"This must not be permitted to happen," he said.

THE AMERICAN PEOPLE REGARD GOLDWATER AS RADICAL AND JOHNSON AS MIDDLE OF ROADER

Mr. McGOVERN. Mr. President, Louis Harris, one of the Nation's most experienced public-opinion samplers, has learned that American voters tend to regard GOP presidential candidate GOLDWATER as a "radical," whereas they view President Johnson as a "middle of the roader." Forty-five percent of the voters believe GOLDWATER to be a radical, whereas only 3 percent so identify President Johnson. Eight percent of the people identified GOLDWATER as a middle of the roader, whereas 42 percent so identified President Johnson.

I agree with the judgment of the American people on this issue. I regard Mr. GOLDWATER as the most unstable radical and extremist ever to run for the Presidency in either political party. His views on both domestic-policy issues and foreign-policy issues place him outside the time-honored traditions of American political life.

On the other hand, President Johnson has demonstrated, during his years as majority leader of the Senate, under President Eisenhower, and as Vice President with President Kennedy, and now as President, that he is a reasonable, responsible, restrained leader, suited both by intellect and temperament to lead the most powerful nation in the world.

Mr. GOLDWATER, for example, would give military commanders in the field the power to start a nuclear war, rather than maintain that authority in the Presidency, where it has always resided. This is dangerous radicalism of the worst kind.

Mr. President, I ask unanimous consent to have printed in the RECORD the results of the Harris poll, as published today in the Washington Post; and also an editorial deploring the GOLDWATER nuclear-war policy. The editorial was published today in the Washington Daily News, a Scripps-Howard newspaper.

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

[From the Washington Post, Sept. 8, 1964]

MANY VIEW ELECTION AS PITTING RADICAL AND MIDDLE OF ROADER

(By Louis Harris)

In the view of many American voters, this year's presidential campaign is a contest between a "radical"—Senator BARRY GOLDWATER—and a "middle of the roader"—President Johnson.

By this measure, the electorate does indeed feel that in the two candidates for the Presidency it has "a choice and not an echo." But the claim of Senator GOLDWATER's supporters that their candidate stands for the conservative philosophy of government and that Mr. Johnson symbolizes the liberal is not the way most people see it, at least at this stage of the campaign.

In this survey of a carefully selected cross section of American voters we sought to determine how their conceptions of the political philosophies of the major candidates compared with their own. After asking them to rate themselves, we asked:

"Where would you say each of these people stands politically—conservative, middle of the road, liberal, or radical—(Johnson, Miller, Goldwater, Humphrey)?"

Voter position versus candidates' position

[In percent]

	Voters consider—		
	Themselves	Goldwater	Johnson
Conservative	36	40	25
Middle of road	44	8	42
Liberal	19	7	30
Radical	1	45	3

It is immediately apparent that most voters believe Senator GOLDWATER to be far more radical than they are themselves. In fact, the public sees itself as somewhere between middle of the road and conservative in its current mood. By contrast, in the view of most people, Senator GOLDWATER ranks somewhere between conservative and radical.

Mr. Johnson is considered to stand between the liberal and middle-of-the-road positions, although one voter in every four believe he is a conservative. Carefully, the Democratic candidate is much closer to the national norm than the Republican nominee.

The candidates for Vice President present a somewhat different pattern. Republican WILLIAM MILLER is looked on as a conservative, while Democratic HUBERT HUMPHREY is thought of as a liberal. However, more people believe Senator HUMPHREY is either a conservative or middle of the roader than think he is a liberal. And one in six feel that Mr. MILLER is a radical. Here is how voters stand vis-a-vis Senator HUMPHREY and Representative MILLER:

Voters' position versus vice presidential candidates' position

[In percent]

	Voters consider—		
	Themselves	Miller	Humphrey
Conservative	36	46	21
Middle of road	44	26	32
Liberal	19	11	41
Radical	1	17	6

Some have suggested that in Senator HUMPHREY, the Democrats selected an "extreme liberal" to balance Senator GOLDWATER's stand as an "extreme conservative." The results of this survey clearly show that at least at the beginning of the campaign, the public sees no such counterpoise. And realistically, the positions of the vice-presidential candidates will have less to do with the outcome of the election than those of the top men on the tickets.

In 1952, General Eisenhower convinced voters that his was essentially a middle of the road and conservative position which reflected that of the country as a whole. In 1964, much of Mr. Johnson's current wide lead can be attributed to his ability to impress as a middle of the roader.

[From the Washington Daily News, Sept. 8, 1964]

JOHNSON IN DETROIT

President Johnson clearly accepted the challenge of Senator GOLDWATER as to policy on nuclear weapons when he opened his campaign yesterday in Detroit.

Mr. Johnson stressed his work on behalf of the nuclear test ban treaty, which Senator GOLDWATER opposed in the Senate. He took responsibility for cutting back "unnecessary nuclear production."

Senator GOLDWATER has urged that NATO commanders have authority to use tactical nuclear weapons.

To this President Johnson's answer was plain:

"For 19 peril-filled years no nation has loosed the atom against another. To do so now, is a political decision of the highest order. It would lead us down an uncertain path of blows and counterblows whose outcome none may know. No President of the United States can divest himself of the responsibility for such a decision."

With that we agree heartily. We trust Senator GOLDWATER will still further reconsider his views on this issue.

We have no doubt a vast majority of the public favors keeping responsibility for the bomb right where it is. That is the law and there is no remote chance Congress will change it, whoever wins the election.

President Johnson's manner in Detroit tended to confirm reports he will try to keep his campaigning on an impersonal, abstract level, leaving the rough-and-tumble to his running mate, Senator HUBERT HUMPHREY. In the speech which opened his campaign he mentioned no names, made no accusations. His emphasis was on national unity and brotherhood, peace and prosperity.

These aims, of course, are universal, and this speech, dealing in general principle, lacked detail on means to achieve them. Actually, it involved little novelty since even President Johnson's stand on nuclear policy had been stated many time before.

The speech also lacked partisan fire but that, apparently, was deliberate—the soft answer which turneth away wrath. The Democratic fireworks apparently are to be expected later.

CHARLES TAFT ON APPORTIONMENT ISSUE

Mr. McGOVERN. Mr. President, one of the Nation's most respected citizens, Charles P. Taft, of Cincinnati, Ohio, has written to the Washington Daily News a thoughtful letter in which he states some of the weaknesses in the case of those who are trying to have the Supreme Court's decision on legislative apportionment set aside.

I ask unanimous consent to have printed in the RECORD Mr. Taft's letter, which was published today in the Washington Daily News.

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

[From the Washington Daily News, Sept. 8, 1964]

CHARLES TAFT REPLIES TO OUR EDITORIAL

I note with interest your "system" editorial on apportionment of State legislatures. Your argument is summarized in the last paragraph, which reads as follows:

"Why shouldn't it be made constitutional for the voters of California, for instance, if they so choose, to set up one house of its legislature on an other-than-population basis to keep Los Angeles County from dominating its legislature."

You neglect one very important historical fact. The Constitution provided for two Senators from each State as the "great compromise" essential to secure the ratification of the Constitution. The smaller States would not have gone along except on this basis.

The great compromise has been damned at frequent intervals since 1787, especially after events like the defeat of the League of Nations by the Senate in 1920, or the kowtowing to the "silver" Senators at various times in the last 30 years before silver became scarce.

Your suggestion of one house not based on population, designed to protect the rest of the State from Los Angeles County, clearly implies that the people of Los Angeles County are somehow second-class citizens. The same comment would imply to similar suggestions about Ohio or any other State. They put Cincinnatians or Clevelanders in the category of second-class citizens.

In 1647, the famous Putney debate took place between Cromwell and the Levellers who were the representatives of Cromwell's army. Cromwell claimed that if anything but property qualifications qualified a man to vote, then those without property, being more numerous, would take the property away from those that had it.

The Levellers insisted that the poorest man in England had a life to live as much as the richest man, and "Therefore, sir, I think it is clear that no man should be under a government except by his own consent."

Cromwell has been proven wrong, and the Levellers right.

This is the heart of our democracy, and your proposal rejects it.

CHARLES P. TAFT.

CINCINNATI, OHIO.

CAN WHALES SURVIVE?

Mr. BARTLETT. Mr. President, can whales survive? I only wish I knew the answer to this question. Men of good will of all nations can, when acting in concert, insure that this mighty mammal will survive far into the future, and perhaps for as long as any life at all is left on this earth or in the seas. But the greed of man, his insatiable desire for profit, no matter what the consequences may be, is imperiling the whale population. It can soon be lost to us. We had thought the formation and the operations of the International Whaling Commission would serve to preserve the stocks of whales, which has been declining at a dangerous rate, especially in the Antarctic, the largest whaling area of all. Many nations became concerned over the reduction of this international resource. In 1960, at the annual meeting of the International Whaling Commission, a motion was passed—largely at the initiative of the United States—to appoint a committee of scientists to study the Antarctic whale stocks and to recommend conservation measures. All members of the Commission—including Japan—agreed to abide by the recommendations of the scientists, and to accept such recommendations as binding after July 31, 1964.

What happened? What happened—or, rather, what failed to happen—is alarming. Scientists presented, this year, recommendations for smaller whale catches. The Japanese delegation refused to accept these findings. The Director General of the Food and Agricultural Organization of the United Nations sent to the meeting two letters pleading

with all members to recognize the need for whale conservation. The evidence points strongly and definitely to the fact that the Japanese ignored the letters and all other protests.

Mr. President, the August 1964 issue of the Fishermen's News, an authoritative publication, printed at Seattle, published an editorial report entitled "The Case Against Japan." It was written by John Wedin.

So far as I can discover, the statements made in the report are accurate. Mr. Wedin is a specialist in all matters having to do with the world's fisheries. His report is a somber one. Nevertheless, it should be read by all who want to be sure that the stocks of the things that live today, land and marine, will not disappear forever.

I ask unanimous consent that the editorial report by Mr. Wedin be printed in the RECORD.

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

[From Fishermen's News, August 1964]

Japan is catching whales in the Antarctic—the world's best whaling grounds—with such an irascible greed that the whale stocks soon will be extinct or so reduced that they can never recover. Japan has disregarded the warnings of eminent biologists and has refused to abide by her obligations under the International Whaling Convention. As is so often the case, other countries which might otherwise undertake whale conservation measures, will seek to follow Japan's short-sighted leadership to join in the kill.

This is not the first example of conservation—Japanese style. Japan's fishery record—both at home and on the seas of the world—is one of systematic depradation.

Their policy of expansion into new areas to maintain a growing fleet and to increase catches can work reasonably well as long as new areas remain, but the day of reckoning is near at hand. There will be no new, unexploited areas for Japan's greedy and expanding fleet to harvest beyond sustained yield.

Eminent Japanese biologist Dr. Kasahara in 1961 lectures at the University of British Columbia charged that United States and Canadian conservation of halibut stocks was an example of "overemphasized" biology. The record book is well documented with the "underemphasized" techniques of Japan in the eastern Bering Sea halibut conditions of 1964.

The examples of Japan's protein greed at the cost of total depletion are numerous and thoroughly documented. The present policy toward Antarctic whales is merely another example.

The whales are an international resource, and, if they are properly conserved, can be utilized profitably by many countries. Participating governments have expressed concern over the state of whale stocks. They have proposed drastic conservation measures. Japan has blocked them.

Japan is neither novice nor small factor in world whaling. She boasts the world's largest whaling fleets—takes more than half the whale catch.

Japan is quick to answer that she agrees each year to a whale quota. The numbers accepted, however, are farcical in view of scientific evidence of declining whale stocks. Japan agreed to a quota in Eastern Bering Sea as well, far below her recommended figure and even then the resource is staggering. Japan agreed reluctantly to a provisional line to help protect U.S. salmon stocks. Bristol Bay is a failure again in 1964. In whaling, there are barely enough whales left each year in the ocean to comprise Japan's accepted quotas.

The United States is a member of the 17-nation International Whaling Commission, as is Japan. Though the United States has not hunted whales in the Antarctic since 1939, she has retained membership in the Commission in the hope that conservation might be served. She has pressed diligently for protective measures.

In 1960, the Commission agreed to appoint a committee of scientists to study the Antarctic whale stocks and to recommend conservation measures. All members agreed to abide by the recommendations which were to be effective by July 31 of this year.

The scientists were selected—one from the United States, one from New Zealand, and a third from the Food and Agriculture Organization of the United Nations. They selected the blue, fin, and humpback whales as a basis for study as 30 years of statistics were available.

The trio found that the catch of blue whales had declined from a postwar high of 9,192 in 1946–47 to only 102 in 1963–64; fin whales, from 28,761 in 1960–61 to 13,870 in 1963–64; and humpbacks from 2,394 in 1958–59 to only 2 whales in 1963–64. The handwriting, long visible on the wall, was transferred to the annual meeting's blackboard for all to see.

In June of this year, the world whaling nations gathered at Sandefjord, Norway, to study the report. There was little doubt—aside from Japan—as to the gravity of the situation. The International Whaling Commission outlined two proposals if the resource was to survive (1) cease catching blue and humpback whales for 50 years, (2) cease catching fin whales for 8 years; then resume capture with a total annual limit of 20,000 whales, or, continue catching them at the rate of 4,000 per year for the next 11 to 13 years, and resume higher levels of capture thereafter.

For the record, in 1962–63 Japan alone took 10,475 of a total Antarctic catch of 18,668 fin whales; in 1963–64, 8,453 out of 13,870.

Expected Japanese opposition was strong from the beginning. Noting that the report would be forthcoming in 1964, Japan last year refused to reaffirm her commitment to abide by the recommendations of the scientific committee.

The rest is history. Japan, leader in the commercial whaling business, refused to accept the findings. Instead, she made a separate agreement with the other Antarctic whaling countries—U.S.S.R., Norway, and the Netherlands. They, Japan principally of course, would harvest an international quota of 8,000 blue-whale units. Under standard whaling measures, one blue whale unit equals one blue whale, two fin whales or two and one-half humpback whales.

The quota is too high. Whaling stocks are in jeopardy, and a world fishery resource is teetering at the edge of oblivion. Japan has won another international conservation skirmish. Japan's greedy commercialization has once again defeated world conservation at the bargaining table. It is not unlike her conduct in the North Pacific and in the other sea fisheries of the world.

The pity is that there may never be a rebuilding of stocks. Unlike halibut, salmon, and other resources which Japan now seeks to exploit in the North Pacific, the whale stocks, once reduced to the edge of extinction may never attain commercially exploitable size no matter what future conservation measures may be applied. The horse is gone, the barn door is open; closing it now would not even save face.

The Japanese, previously concerned only with saving face in international dealings, are now seeking the Madison Avenue goal of "image." The recent Japanese delegation which visited the United States is a part of this program for better fishery image in the world fisheries. Even while Mr. Kobayashi and company were shaking hands with U.S. fishery conservationists, Japanese ships were steaming to Prince William Sound to gobble up the gleanings of a salmon price dispute—not, in our opinion, so much for immediate profit but to plant a foot in the door of raw fish trade which can only lead to further participation in the effort, eventually the catching of the fish.

Even as the Japanese as visitors spoke of "better understanding"—closer relationships to insure a lasting North Pacific resource for all participating nations, the Japanese whaling fleets were ominously preparing for the kill. The time has come for fishermen and fisheries representatives to recognize Japan for what she is, a greedy nation to which conservation is a child's game, unfit for the rugged commercialized ocean fisheries. A nation which regards abstention as a tottering formula, unfit for useful fishery management. A nation which seeks an image in the form of a painted face.

The fishery "Pearl Harbor" is as well calculated, but there should be no element of surprise. The record, from Japan's local flounder fishery to her most recent record in whaling, is there for all to see.

As Soviet Russia is to peace, so is Japan to world fisheries.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes—cloture motion.

The PRESIDING OFFICER. The question is on agreeing to the so-called Dirksen amendment.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate numbered 1, 2, and 3 to the bill (H.R. 5159) to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate numbered 3, 4, and 5 to the bill (H.R. 5498) to provide temporary authority for the sale of certain public lands; and that the House concurred in the amendments of the Senate numbered 1, 2, 6, 7, and 8 to the bill, severally with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 12371) to amend the District of Columbia Sales Tax Act to provide an exemption for operations of the majority and minority rooms of the House of Representatives from the taxes imposed by such act and

the District of Columbia Use Tax Act, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12371) to amend the District of Columbia Sales Tax Act to provide an exemption for operations of the majority and minority rooms of the House of Representatives from the taxes imposed by such act and the District of Columbia Use Tax Act, was read twice by its title and referred to the Committee on the District of Columbia.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

Mr. MANSFIELD. Mr. President, the way of the peacemaker is hard, indeed. It is with trepidation that I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1318, S. 2782.

I do so with the stipulation that no votes will be taken on this measure today or tomorrow and that Senators who are interested in speaking on the Dirksen-Mansfield amendment will have ample opportunity to do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. DOUGLAS. Mr. President, reserving the right to object—and I shall not object—I take it that the distinguished majority leader intends that the debate should open today.

Mr. MANSFIELD. Yes.

Mr. DOUGLAS. In that case, I think there should be a quorum call, so that the opening speech may be heard by a proper number of Senators. I do not wish to usurp the functions of the majority leader, but I hope that he will suggest the absence of a quorum, so that we may have a proper audience to listen to the opening address by the distinguished Senator from West Virginia [Mr. RANDOLPH], which I assume will follow.

Mr. MANSFIELD. I shall be delighted to do so. The Senator from Illinois anticipated my thoughts.

Mr. DOUGLAS. I am glad that we move together.

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

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Is this the Appalachia bill?

Mr. MANSFIELD. Yes.

Mr. PROXMIRE. It is my understanding that two or three Senators were waiting, before the morning hour, to speak on the Dirksen amendment.

Mr. MANSFIELD. They will have ample opportunity to do so.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Appalachian Regional Development Act of 1964".

Findings and Statement of Purpose

SEC. 2. The Congress hereby finds and declares that the Appalachian region of the United States, while abundant in natural resources and rich in potential, lags behind the rest of the Nation in its economic growth and that its people have not shared properly in the Nation's prosperity. The region's uneven past development, with its historical reliance on a few basic industries and a marginal agriculture, has failed to provide the economic base that is a vital prerequisite for vigorous, self-sustaining growth. The State and local governments and the people of the region understand their problems and have been working and will continue to work purposefully toward their solution. The Congress recognizes the comprehensive report of the President's Appalachian Regional Commission documenting these findings and concludes that regionwide development is feasible, desirable, and urgently needed. It is, therefore, the purpose of this Act to assist the region in meeting its special problems, to promote its economic development, and to establish a framework for joint Federal and State efforts toward providing the basic facilities essential to its growth and attacking its common problems and meeting its common needs on a coordinated and concerted regional basis. As the region obtains the needed physical and transportation facilities and develops its human resources, the Congress expects that the region will generate a diversified industry, and that the region will then be able to support itself, through the workings of a strengthened free enterprise economy.

TITLE I—THE APPALACHIAN REGIONAL COMMISSION

Membership and Voting

SEC. 101. (a) There is hereby established an Appalachian Regional Commission (hereinafter referred to as the "Commission") which shall be composed of one Federal member, hereinafter referred to as the "Federal representative", appointed by the President by and with the advice and consent of the Senate, and one member from each participating State in the Appalachian region. The Federal representative shall be a Cochairman of the Commission. Each State member may be the Governor, or his designee, or such other person as may be provided by the law of the State which he represents. The State members of the Commission shall elect a Cochairman of the Commission from among their number.

(b) Except as provided in section 105, decisions by the Commission shall require the affirmative vote of the Federal representative and of a majority of the State members (exclusive of members representing States delinquent under section 105). In matters coming before the Commission, the Federal representative shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter.

(c) Each State member shall have an alternate, appointed by the Governor or as otherwise may be provided by the law of the State which he represents. The President, by and with the advice and consent of the Senate, shall appoint an alternate for the Federal representative. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the State or Federal representative for which he is an alternate.

(d) The Federal representative shall be compensated by the Federal Government at level IV of the Federal Executive Salary Schedule of the Federal Executive Salary Act of 1964. His alternate shall be compensated by the Federal Government at not to exceed the maximum scheduled rate for grade GS-18 of the Classification Act of 1949, as amended, and when not actively serving as an alternate for the Federal representative shall perform such functions and duties as are delegated to him by the Federal representative. Each State member and his alternate shall be compensated by the State which they represent at the rate established by the law of such State.

Functions of the Commission

SEC. 102. In carrying out the purposes of this Act, the Commission shall—

(1) develop, on a continuing basis, comprehensive and coordinated plans and programs and establish priorities thereunder, giving due consideration to other Federal, State, and local planning in the region;

(2) conduct and sponsor investigations, research, and studies, including an inventory and analysis of the resources of the region, and, in cooperation with Federal, State, and local agencies, sponsor demonstration projects designed to foster regional productivity and growth;

(3) review and study, in cooperation with the agency involved, Federal, State, and local public and private programs and, where appropriate, recommend modifications or additions which will increase their effectiveness in the region;

(4) formulate and recommend, where appropriate, interstate compacts and other forms of interstate cooperation, and work with State and local agencies in developing appropriate model legislation;

(5) encourage the formation of local development districts;

(6) encourage private investment in industrial, commercial, and recreational projects;

(7) serve as a focal point and coordinating unit for Appalachian programs;

(8) provide a forum for consideration of problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences; and

(9) advise the Secretary of Commerce on applications for grants for administrative expenses to local development districts.

Recommendations

SEC. 103. The Commission may, from time to time, make recommendations to the President and to the State Governors and appropriate local officials with respect to—

(1) the expenditure of funds by Federal, State, and local departments and agencies in the region in the fields of natural resources, agriculture, education, training, health and welfare, and other fields related to the purposes of this Act; and

(2) such additional Federal, State, and local legislation or administrative actions as the Commission deems necessary to further the purposes of this Act.

Liaison Between Federal Government and the Commission

SEC. 104. The President shall provide effective and continuing liaison between the Federal Government and the Commission and a coordinated review within the Federal Government of the plans and recommendations submitted by the Commission pursuant to sections 102 and 103.

Administrative Expenses of the Commission

SEC. 105. (a) For the period ending on June 30 of the second full Federal fiscal year

following the date of enactment of this Act, the administrative expenses of the Commission shall be paid by the Federal Government. Thereafter, such expenses shall be paid equally by the Federal Government and the States in the region. The share to be paid by each State shall be determined by the Commission. The Federal representative shall not participate or vote in such determination. No assistance authorized by this Act shall be furnished to any State or to any political subdivision or any resident of any State, nor shall the State member of the Commission participate or vote in any determination by the Commission while such State is delinquent in payment of its share of such expenses.

(b) Not to exceed $2,200,000 of the funds authorized in section 401 of this Act shall be available to carry out this section.

Administrative Powers of Commission

SEC. 106. To carry out its duties under this Act, the Commission is authorized to—

(1) adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business and the performance of its functions.

(2) appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Commission to carry out its functions, except that such compensation shall not exceed the salary of the alternate to the Federal representative on the Commission as provided in section 101. No member, alternate, officer, or employee of the Commission, other than the Federal representative on the Commission and his alternate and Federal employees detailed to the Commission under paragraph (3) shall be deemed a Federal employee for any purpose.

(3) request the head of any Federal department or agency (who is hereby so authorized) to detail to temporary duty with the Commission such personnel within his administrative jurisdiction as the Commission may need for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(4) arrange for the services of personnel from any State or local government or any subdivision or agency thereof, or any intergovernmental agency.

(5) make arrangements, including contracts, with any participating State government for inclusion in a suitable retirement and employee benefit system of such of its personnel as may not be eligible for, or continue in, another governmental retirement or employee benefit system, or otherwise provide for such coverage of its personnel. The Civil Service Commission of the United States is authorized to contract with the Commission for continued coverage of Commission employees, who at date of Commission employment are Federal employees, in the retirement program and other employee benefit programs of the Federal Government.

(6) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible.

(7) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation.

(8) maintain a temporary office in the District of Columbia and establish a permanent office at such location as it may select and field offices at such other places as it may deem appropriate.

(9) take such other actions and incur such other expenses as may be necessary or appropriate.

Information

SEC. 107. In order to obtain information needed to carry out its duties, the Commission shall—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable, a Cochairman of the Commission, or any member of the Commission designated by the Commission for the purpose, being hereby authorized to administer oaths when it is determined by the Commission that testimony shall be taken or evidence received under oath;

(2) arrange for the head of any Federal, State, or local department or agency (who is hereby so authorized, to the extent not otherwise prohibited by law) to furnish to the Commission such information as may be available to or procurable by such department or agency; and

(3) keep accurate and complete records of its doings and transactions which shall be made available for public inspection.

Personal Financial Interests

SEC. 108. (a) Except as permitted by subsection (b) hereof, no State member or alternate and no officer or employee of the Commission shall participate personally and substantially as member, alternate, officer, or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization (other than a State or political subdivision thereof) in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest. Any person who shall violate the provisions of this subsection shall be fined not more than $10,000, or imprisoned not more than two years, or both.

(b) Subsection (a) hereof shall not apply if the State member, alternate, officer, or employee first advises the Commission of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by the Commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Commission may expect from such State member, alternate, officer, or employee.

(c) No State member or alternate shall receive any salary, or any contribution to or supplementation of salary for his services on the Commission from any source other than his State. No person detailed to serve the Commission under authority of paragraph (4) of section 106 shall receive any salary or any contribution to or supplementation of salary for his services on the Commission from any source other than the State, local, or intergovernmental department or agency from which he was detailed or from the Commission. Any person who shall violate the provisions of this subsection shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(4) Notwithstanding any other subsection of this section, the Federal representative and his alternate on the Commission and any Federal officers or employees detailed to duty with it pursuant to paragraph (3) of section 106 shall not be subject to any such subsection, but shall remain subject to sections 202 through 209 of title 18, United States Code.

(e) The Commission may, in its discretion, declare void and rescind any contract, loan, or grant of or by the Commission in relation to which it finds that there has been a violation of subsection (a) or (c) of this section, or any of the provisions of sections 202 through 209, title 18, United States Code.

TITLE II—SPECIAL APPALACHIAN PROGRAMS

Part A—New programs

Appalachian Development Highway System

SEC. 201. (a) The Secretary of Commerce (hereafter in this section referred to as the "Secretary" is authorized to assist in the construction in the region of an Appalachian development highway system (not to exceed a total of two thousand eight hundred and fifty miles in length of which not to exceed five hundred miles shall be local access roads that will serve specific recreational, residential, commercial, industrial, or other like facilities or will facilitate a school consolidation program). The system, in conjunction with the Interstate System and other Federal-aid highways in the region will provide a highway system which will open up an area or areas with a developmental potential where commerce and communication have been inhibited by lack of adequate access. The provisions of title 23, United States Code, that are applicable to Federal-aid primary highways, and which the Secretary determines are not inconsistent with this Act, shall apply to the Appalachian development highway system.

(b) As soon as feasible, the Commission shall submit to the Secretary its recommendations with respect to (1) the general corridor location and termini of the development highways, (2) the designation of local access roads to be constructed, (3) priorities for construction of the local access roads and of the major segments of the development highways, and (4) other criteria for the program authorized by this section. Before any State member participates in or votes on such recommendations, he shall have obtained the recommendations of the State highway department of the State which he represents.

(c) The Secretary shall have authority to approve in whole or in part such recommendations or to require modifications or revisions thereof. In no event shall the Secretary approve any recommendations for any construction which would require for its completion the expenditure of Federal funds (other than funds available under title 23, United States Code) in excess of the appropriation authorizations in subsection (g). On its completion each development highway not already on the Federal-aid primary system shall be added to such system and shall be required to be maintained by the State.

(d) In the construction of highways and roads authorized under this section, the States may give special preference to the use of mineral resource materials indigenous to the Appalachian region.

(e) For the purposes of research and development in the use of coal and coal products in highway construction and maintenance, the Secretary is authorized to require each participating State, to the maximum extent possible, to use coal derivatives in the construction of not to exceed 10 per centum of the roads authorized under this Act.

(f) Federal assistance to any construction project under this section shall not exceed 50 per centum of the costs of such project, unless the Secretary determines, pursuant to the recommendation of the Commission, that assistance in excess of such percentage is required in furtherance of the purposes of this Act, but in no event shall such Federal assistance exceed 70 per centum of such costs.

(g) To carry out this section, there is hereby authorized to be appropriated $840,000,000.

Demonstration Health Facilities

SEC. 202. (a) In order to demonstrate the value of adequate health and medical facilities in the region, the Secretary of Health, Education, and Welfare is authorized to make grants for the construction, equipment, and operation of multicounty demonstration health facilities, including hospitals, regional health diagnostic and treatment centers, and other facilities necessary to health. Grants for such construction (including initial equipment) shall be made in accordance with the applicable provisions of title VI of the Public Health Service Act (42 U.S.C. 291–291z) and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (77 Stat. 282), without regard to any provisions therein relating to appropriation authorization ceiling or to allotments among the States. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provision of law.

(b) No grant under this section for construction (including initial equipment) shall exceed 80 per centum of the cost of the project. Not to exceed $41,000,000 of the funds authorized in section 401 shall be available for construction grants under this section.

(c) Grants under this section for operation (including equipment other than initial equipment) of a project may be made up to 100 per centum of the costs thereof for the two-year period beginning on the first day such project is in operation as a health facility. For the next three years of operations such grants shall not exceed 50 per centum of such costs. No grants for operation of a project shall be made after five years following the commencement of such operations. Not to exceed $28,000,000 of the funds authorized in section 401 of this Act shall be available for operating grants under this section.

Pasture Improvement and Development

SEC. 203. (a) In order to promote the conservation and fuller utilization of the region's important land and water resources, the Secretary of Agriculture is authorized to make grants to landowners to assist in the improvement and development of pastureland for livestock in the region. Grants to any landowner under this section shall not exceed 80 per centum of the costs of improving and developing twenty-five acres of pastureland owned by such landowner. Such improvement and development of pastureland shall be carried out under the provisions of an agreement to be entered into by the landowner and the Secretary of Agriculture, for such period not to exceed ten years as the Secretary may determine, which shall include such terms and conditions as the Secretary may deem necessary to effectuate the purposes of this section and to assure that such improvement and development of pastureland will be properly established, and adequately maintained during the period of agreement, in accordance with technically sound standards and procedures.

(b) In carrying out the provisions of this section, the Secretary of Agriculture shall utilize the services of the Soil Conservation Service, and the State and local committees provided for in section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), and is authorized to utilize the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out the provisions of this subsection unless funds specifically appropriated for such purpose have been transferred to it.

(c) Not to exceed $17,000,000 of the funds authorized in section 401 of this Act shall be available to carry out this section.

Timber Development Organizations

SEC. 204. (a) In order that the region shall more fully benefit from the timber stands that are one of its prime assets, the Secretary of Agriculture is authorized to—

(1) provide technical assistance in the organization and operation, under State law, of timber development organizations having as their principal objective the carrying out of timber development programs to achieve improved timberland productivity, better quality timber, and an increased return for landowners through (A) continuity of management, cutting practices, and marketing, (B) the administrative or physical consolidation of small holdings into efficient management units, and (C) other appropriate timber growing practices;

(2) provide not more than one-half of the initial capital requirements of such a timber development organization, to be used only for the improvement of timber growing, including better management, cutting, and marketing of timber, through loans under the applicable provisions of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1926 et seq.). (b) Not to exceed $5,000,000 of the funds authorized in section 401 of this Act shall be available to carry out this section.

Mining Area Restoration

SEC. 205. (a) In order to further the economic development of the region by rehabilitating areas presently damaged by deleterious mining practices, the Secretary of the Interior is authorized to—

(1) make financial contributions to States in the region to seal and fill voids in abandoned coal mines in accordance with the provisions of the Act of July 15, 1955 (30 U.S.C. 571 et seq.), without regard to section 2(b) thereof (30 U.S.C. 572(b) or to any provisions therein limiting assistance to anthracite coal formations, or to the Commonwealth of Pennsylvania. Grants under this paragraph shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act.

(2) plan and execute projects for extinguishing underground and outcrop mine fires in the region in accordance with the provisions of the Act of August 31, 1954 (30 U.S.C. 551 et seq.), without regard to any provisions therein relating to annual appropriation authorization ceilings. Grants under this paragraph shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act.

(3) expand and accelerate fish and wildlife restoration projects in the region in accordance with the provisions of the Act of September 2, 1937 (16 U.S.C. 669 et seq.), and the Act of August 9, 1950 (16 U.S.C. 777 et seq.), without regard to any provisions therein relating to apportionments among the States and to limitations on the availability of funds. The expenses of projects under this paragraph shall be paid solely out of funds specifically appropriated for the purpose of carrying out this Act, and shall not be taken into account in the computation of the apportionments among the States pursuant to any other provisions of law.

(b) For the fiscal years 1965 and 1966, notwithstanding any other provision of law, the Federal share of mining area restoration projects carried out under subsection (a) of this section and conducted on lands other than federally owned lands shall not exceed 75 per centum of the total cost thereof. Strip mine restoration projects shall be carried out only on lands, public or private, on which there is provided access and use by the public to assure an adequate public benefit.

(c) The Congress hereby declares its intent to provide for a study of a comprehensive, long-range program for the purpose of reclaiming and rehabilitating strip and surface mining areas in the United States. To this general end, the Secretary of the Interior shall, in full cooperation with the Secretary of Agriculture, the Tennessee Valley Authority, and other appropriate Federal, State, and local departments and agencies, and with the Commission, make a survey and study of strip and surface mining operations and their effects in the United States. The Secretary of the Interior shall submit to the President his recommendations for a long-range comprehensive program for reclamation and rehabilitation of strip and surface mining areas in the United States and for the policies under which the program should be conducted, and the President shall submit these to the Congress, together with his recommendations, not later than July 1, 1966. By July 1, 1965, the Secretary shall make an interim report to the Commission summarizing his findings to that date on those aspects of strip and surface mining operations in the region that are most urgently in need of attention. Such study and recommendations shall include, but not be limited to, a consideration of the following matters—

(1) the nature and extent of strip and surface mining operations in the United States and the conditions resulting therefrom;

(2) the ownership of the real property involved in strip and surface mining operations;

(3) the effectiveness of past action by States or local units of government to remedy the adverse effects of strip and surface mining operation by financial or regulatory measures, and requirements for appropriate State legislation, including adequate enforcement thereof, to provide for proper reclamation and rehabilitation of areas which may be strip and surface mined in the future;

(4) the public interest in and public benefits which may result from reclamation, rehabilitation, and appropriate development and use of areas subjected to strip and surface mining operations, including (i) economic development growth, (ii) public recreation, (iii) public health and safety, (iv) water pollution, stream sedimentation, erosion control, and flood control, (v) highway programs, (vi) fish and wildlife protection and restoration, (vii) scenic values, and (viii) forestry and agriculture;

(5) the appropriate roles of Federal, State, and private interests in the reclamation and rehabilitation of strip and surface mining areas and the relative costs to be borne by each, including specific consideration of (i) the extent, if any, to which strip and surface mine operators are unable to bear the cost of remedial action within the limits imposed by the economics of such mining activity, and (ii) the extent to which the prospective value of lands and other natural resources, after remedial work has been completed, would be inadequate to justify the landowners doing the remedial work at their expense; and

(6) the objectives and the total overall costs of a program for accomplishing the reclamation and rehabilitation of existing strip and surface mining areas in the United States, giving adequate consideration to (i) the economic benefits in relation to costs, (ii) the prevention of future devastation of reclaimed and rehabilitated areas, (iii) the avoidance of unwarranted financial gain to private owners of improved property, and (iv) the types of aid required to accomplish such reclamation and rehabilitation.

(d) Not to exceed $21,500,000 of the funds authorized in section 401 of this Act shall be available to carry out this section.

Water Resource Survey

SEC. 206. (a) The Secretary of the Army is hereby authorized and directed to prepare a comprehensive plan for the development and efficient utilization of the water and related resources of the Appalachian region, giving special attention to the need for an increase in the production of economic goods and services within the region as a means of expanding economic opportunities and thus enhancing the welfare of its people, which plan shall constitute an integral and harmonious component of the regional economic development program authorized by this Act.

(b) This plan may recommend measures for the control of floods, the regulation of the rivers to enhance their value as sources of water supply for industrial and municipal development, the generation of hydroelectric power, the prevention of water pollution by drainage from mines, the development and enhancement of the recreational potentials of the region, the improvement of the rivers for navigation where this would further industrial development at less cost than would the improvement of other modes of transportation, the conservation and efficient utilization of the land resource, and such other measures as may be found necessary to achieve the objectives of this section.

(c) To insure that the plan prepared by the Secretary of the Army shall constitute a harmonious component of the regional program, he shall consult with the Commission and the following: the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Tennessee Valley Authority, and the Federal Power Commission.

(d) The plan prepared pursuant to this section shall be submitted to the Commission. The Commission shall submit the plan to the President with a statement of its views, and the President shall submit the plan to the Congress with his recommendations not later than December 31, 1967.

(e) The Federal agencies referred to in subsection (c) of this section are hereby authorized to assist the Secretary of the Army in the preparation of the plan authorized by this section, and the Secretary of the Army is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to the preparation of this plan and on such terms as he may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation.

(f) The plan to be prepared by the Secretary of the Army pursuant to this section shall also be coordinated with all comprehensive river basin plans heretofore or hereafter developed by United States study commissions, interagency committees, or similar planning bodies, for those river systems draining the Appalachian region.

(g) Not to exceed $5,000,000 of the funds authorized in section 401 of this Act shall be available to carry out this section.

Part B—Supplementations and modifications of existing programs

Vocational Education Facilities

SEC. 211. (a) In order to provide basic facilities to give the people of the region the training and education they need to obtain employment, the Secretary of Health, Education, and Welfare is authorized to make grants for construction of the school facilities needed for the provision of vocational education in areas of the region in which such education is not now adequately available. Such grants shall be made in accordance with the provisions of the Vocational Education Act of 1963 (77 Stat. 403), without regard to any provisions therein relating to appropriation authorization ceilings or to allotments among the States. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provision of law.

(b) Not to exceed $16,000,000 of the funds authorized in section 401 of this Act shall be available to carry out this section.

Sewage Treatment Works

SEC. 212. (a) In order to provide facilities to assist in the prevention of pollution of the region's streams and to protect the health and welfare of its citizens, the Secretary of Health, Education, and Welfare is authorized to make grants for the construction of sewage treatment works in accordance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.), without regard to any provisions therein relating to appropriation authorization ceilings or to allotments among the States. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this Act, and shall not be taken into account in the computation of the allotments among the States pursuant to any other provision of law.

(b) Not to exceed $6,000,000 of the funds authorized in section 401 of this Act shall be available to carry out this section.

Amendments to Housing Act of 1954

SEC. 213. (a) Section 701(a) of the Housing Act of 1954 (40 U.S.C. 461(a)), is amended by striking the word "and" in paragraph (4), by substituting for the period at the end of paragraph (5) the phrase "; and" and by adding a new paragraph (6) to read as follows:

"(6) The Appalachian Regional Commission, established by the Appalachian Regional Development Act of 1964, for comprehensive planning for the Appalachian region as defined by section 403 of such Act."

(b) Section 701(b) of the Housing Act of 1954 (40 U.S.C. 461(b)), is amended by adding before the phrase "for not more than 75 per centum of such estimated cost" the phrase "or the Appalachian Regional Commission".

Supplements to Federal Grant-in-Aid Programs

SEC. 214. (a) In order to enable the people, States, and local communities of the region, including local development districts, to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, the Secretary of Commerce is authorized, pursuant to specific recommendations of the Commission approved by him and after consultation with the appropriate Federal officials, to allocate funds appropriated to carry out this section to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of such Federal grant-in-aid programs. Funds so allocated shall be used for the sole purpose of increasing the Federal contribution to projects under such programs above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law. Funds shall be so allocated for Federal grant-in-aid programs for which funds are available under the Act authorizing such programs. Such allocations shall be available without regard to any appropriation authorization ceilings in such Act.

(b) The Federal portion of such costs shall not be increased in excess of the percentages established by regulations promulgated by the Secretary of Commerce, and such regulations shall in no event authorize the Federal portion of such costs to exceed 80 per centum thereof.

(c) The term "Federal grant-in-aid programs" as used in this section means those Federal grant-in-aid programs authorized by this Act for the construction or equipment of facilities, and all other Federal grant-in-aid programs authorized on or before the effective date of this Act by Acts other than this Act for the construction or equipment of facilities, including but not limited to grant-in-aid programs authorized by the following Acts: Federal Water Pollution Control Act; Watershed Protection and Flood Prevention Act; title VI of the Public Health Service Act; Vocational Education Act of 1963; Library Services Act; Federal Airport Act; part IV of title III of the Communications Act of 1934; Higher Education Facilities Act of 1963. The term shall not include (A) the program for the construction of the development highway system authorized by section 201 of this Act or any other program relating to highway or road construction, or (B) any other program for which loans or other Federal financial assistance, except a grant-in-aid program, is authorized by this or any other Act.

(d) Not to exceed $90,000,000 of the funds authorized in section 401 of this Act shall be available to carry out this section.

Part C—General Provisions

Maintenance of Effort

SEC. 221. No State and no political subdivision of such State shall be eligible to receive benefits under this Act unless the aggregate expenditures of State funds, exclusive of Federal funds, for the benefit of the area within the State located in the region are maintained at a level which does not fall below the average level of such expenditures for its last two full fiscal years preceding the date of enactment of this Act. In computing the average level of expenditure for its last two fiscal years, a State's past expenditure for participation in the National System of Interstate and Defense Highways shall not be included. The Commission shall recommend to the President or such Federal officer or officers as the President may designate, a lesser requirement when it finds that a substantial population decrease in that portion of a State which lies within the region would not justify a State expenditure equal to the average level of the last two years or when it finds that a State's average level of expenditure, within an individual program, has been disproportionate to the present need for that portion of the State which lies within the region.

Consent of States

SEC. 222. Nothing contained in this Act shall be interpreted as requiring any State to engage in or accept any program under this Act without its consent.

Program Implementation

SEC. 223. A program authorized under any section of this title shall not be implemented until plans with respect to such program have been recommended by the Commission and have been submitted to and approved or modified by the President or such Federal officer or officers as the President may designate.

Program Development Criteria

SEC. 224. (a) In developing recommendations on the programs and projects to be given assistance under this Act, and in establishing within those recommendations a priority ranking of the requests for assistance presented to the Commission, the Commission shall follow procedures that will insure consideration of the following factors:

(1) the relationship of the project or class of projects to overall regional development;

(2) the population and area to be served by the project or class of projects including

the relative per capita income and the unemployment rates in the area;

(3) the relative financial resources available to the State or political subdivisions or instrumentalities thereof which seek to undertake the project;

(4) the importance of the project or class of projects in relation to other projects or classes of projects which may be in competition for the same funds;

(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic and social development of the area served by the project.

(b) Nothing in this Act shall authorize any assistance under this Act to be used (1) in relocating establishments from one area to another; (2) to finance the cost of industrial plants, commercial facilities, machinery, working capital; (3) to finance the cost of facilities for the generation, transmission, or distribution of electric energy; or (4) to finance the cost of facilities for the production, transmission, or distribution of gas (natural, manufactured, or mixed).

TITLE III—ADMINISTRATION

Local Development Districts—Certification

SEC. 301. For the purposes of this Act, a "local development district" shall be an entity certified to the Commission either by the Governor of the State or States in which such entity is located, or by the State officer designated by the appropriate State law to make such certification, as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region. No entity shall be certified as a local development district for the purposes of this Act unless it is one of the following:

(1) a nonprofit incorporated body organized or chartered under the laws of the State in which it is located;

(2) a nonprofit agency or instrumentality of a State or local government;

(3) a nonprofit agency or instrumentality created through an interstate compact; or

(4) a nonprofit association or combination of such bodies, agencies, and instrumentalities.

Grants for Administrative Expenses of Local Developmental Districts and for Research and Demonstration Projects

SEC. 302 (a) The Secretary of Commerce is authorized—

(1) either directly or through arrangements with the Commission, to make grants for administrative expenses to local development districts. The amount of any such grant shall not exceed 75 per centum of such expenses in any one fiscal year. No grants for administrative expenses shall be made to a local development district for a period in excess of three years beginning on the date the initial grant is made to such development district. The local contributions for administrative expenses may be in cash or in kind, fairly evaluated, including but not limited to space, equipment, and services; and

(2) either directly or through arrangements with appropriate public or private organizations (including the Commission), to provide funds for investigation, research, studies, and demonstration projects, but not for construction purposes, which will further the purposes of this Act.

(b) Not to exceed $5,500,000 of the funds authorized in section 401 of this Act shall be available to carry out this section.

Annual Report

SEC. 303. Not later than six months after the close of each fiscal year, the Commission shall prepare and submit to the Governor of each State in the region and to the President, for transmittal to the Congress, a report on the activities carried out under this Act during such year.

TITLE IV—APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

Authorization of Appropriations

SEC. 401. In addition to the appropriations authorized in section 201 for the Appalachian development highway system, there is hereby authorized to be appropriated for the period ending June 30, 1966, to be available until expended, not to exceed $237,200,000 to carry out this Act.

Applicable Labor Standards

SEC. 402. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are financially assisted through the Federal funds authorized under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133—133z-15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

Definition of Appalachian Region

SEC. 403. As used in this Act, the term "Appalachian region" or "the region" means that area of the eastern United States consisting of the following counties:

In Alabama, the counties of Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Jackson, Jefferson, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Randolph, Saint Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston;

In Georgia, the counties of Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Dade, Dawson, Douglas, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Heard, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield;

In Kentucky, the counties of Adair, Bath, Bell, Boyd, Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fleming, Floyd, Garrard, Green, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Lauret, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Menifee, Monroe, Montgomery, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe;

In Maryland, the counties of Allegany, Garrett, and Washington;

In North Carolina, the counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Davie, Forsyth, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey;

In Ohio, the counties of Adams, Athens, Belmont, Brown, Clermont, Gallia, Guernsey, Harrison, Highland, Hocking, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton, and Washington;

In Pennsylvania, the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, and Wyoming;

In South Carolina, the counties of Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg;

In Tennessee, the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Macon, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White;

In Virginia, the counties of Alleghany, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Highland, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.

All the counties of West Virginia.

Severability

SEC. 404. If any provision of this Act, or the applicability thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Termination

SEC. 405. This Act shall cease to be in effect on July 1, 1970.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 562 Leg.]

Aiken	Ellender	Mundt
Allott	Ervin	Nelson
Anderson	Gruening	Proxmire
Bartlett	Hart	Randolph
Bayh	Inouye	Salinger
Bible	Jordan, Idaho	Sparkman
Boggs	Magnuson	Talmadge
Carlson	Mansfield	Walters
Church	McClellan	Williams, N.J.
Clark	McNamara	Williams, Del.
Curtis	Metcalf	Young, N. Dak.
Dirksen	Miller	Young, Ohio
Dominick	Monroney	
Douglas	Morton	

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. McGEE], the Senator from New Hampshire [Mr. McINTYRE], the Senator from Oregon [Mr. MORSE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from South Carolina [Mr. THURMOND], are absent on official business.

I also announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Indiana [Mr. HARTKE], the Senator from Washington [Mr. JACKSON], the Senator from North Carolina [Mr. JORDAN], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

I further announce that the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY], are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from New Hampshire [Mr. COTTON], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from New Mexico [Mr. MECHEM], the Senator from Vermont [Mr. PROUTY], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER. (Mr. SALINGER in the chair). A quorum is not present.

Mr. RANDOLPH. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. BENNETT, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CASE, Mr. COOPER, Mr. FULBRIGHT, Mr. HAYDEN, Mr. HICKENLOOPER, Mr. HOLLAND, Mr. HUMPHREY, Mr. JOHNSTON, Mr. KUCHEL, Mr. LAUSCHE, Mr. MCCARTHY, Mr. MCGOVERN, MRS. NEUBERGER, Mr. PASTORE, Mr. PEARSON, Mr. ROBERTSON, Mr. RUSSELL, Mr. SMATHERS, MRS. SMITH, and Mr. STENNIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

ORDER OF BUSINESS

Mr. RANDOLPH. Mr. President, it is my understanding that the pending business is S. 2782; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. Mr. President, I yield to the Senator from Ohio [Mr. YOUNG], with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the rule of germaneness be waived for the remainder of the day.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. Mr. President, I shall discuss the Appalachian regional development bill later in the afternoon; but it is my desire now to accommodate Senators who wish to discuss subjects not pertinent to that measure.

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

Mr. RANDOLPH. I yield to the Senator from Montana.

Mr. METCALF. I wish to speak briefly on the reapportionment problem. Will the Senator from West Virginia yield to me after the Senator from Ohio has completed his remarks?

Mr. RANDOLPH. I shall yield first to the Senator from Ohio, and immediately afterward to the Senator from Montana.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. YOUNG of Ohio. Mr. President, the pending amendment regarding the Supreme Court reapportionment decisions is one of the most important and far-reaching legislative proposals ever to come before the Senate. How we act upon it will shape the governments of all our States, the Federal Government and the lives of all Americans for generations to come. It is unfortunate that a legislative proposal of such great significance should be hurriedly debated and given halfhearted consideration.

The Senate debated the recently enacted civil rights bill for more than 100 days. The bill before us is also a civil rights bill, for it affects the voting rights of well over half of the citizens of our Nation. Stripped of all its verbiage, the amendment comes down to the essential question of whether we are willing to recognize the concept of "one man, one vote" in our democracy. It is foolhardy to try to resolve this issue hurriedly and without careful deliberation during the closing days of the Congress in the charged atmosphere of an election year campaign.

It is, perhaps, regrettable that the Federal courts had to intervene in this matter. However, the States asked for it. They have had years to take some corrective action but, in most instances, have done nothing. In fact, by doing nothing, many States violated their own constitutions. The people who are being deprived of fair representation—for the most part Americans living in metropolitan areas—had no alternative but to appeal to the Federal courts once their petitions were rejected by their State courts.

The Supreme Court ruling was, quite simply, a ruling in favor of fair representation for all citizens. The pending amendments is, by admission of its chief sponsor, in reality an attempt to gain time so that a constitutional amendment can be adopted which would strip the Supreme Court of its power to rule on apportionment cases. This legislative proposal is no postponement of the issue; it is no breather to give State legislatures time to reapportion themselves. In effect, it will allow evil to perpetuate itself. It will permit present State legislatures, many of which are comprised of representatives from counties having only a fraction of the population of other counties, to have the same total representation in the State legislature, and the opportunity to prevent reapportionment for decades to come. Never before was the adage "Justice delayed is justice denied" as appropriate to the circumstances.

Not only will this affect the composition of our State legislatures but also of our Federal Government. The legislature of each State draws the boundaries for congressional districts. Under the status quo, rural-dominated legislatures have to a great extent so gerrymandered their States that citizens living in cities and their suburbs do not have fair representation in the House of Representatives of the U.S. Congress. The proposal is nothing more than a blatant attempt to stop the clock of progress and to perpetuate a system whereby millions of our citizens do not receive fair representation in the legislative bodies of this Nation.

There are numerous examples of some State legislatures sitting for 50 years or more without so much as acknowledging the requirement of their own State constitutions regarding apportionment. I am glad to say that in my State of Ohio the situation is not so desperate. However, even in Ohio there is a need for reform. The Ohio constitution grants at least one representative in the State house of representatives for each of the 88 counties. This is because of the so-called Hanna amendment. It was adopted under the leadership of Marcus Alonzo Hanna, who was then the boss of the Republican Party in Ohio and was ambitious to become a Senator of the United States at a time when the legislatures of the various States elected U.S. Senators. Following the adoption of the Hanna amendment, under which each of the 88 counties had at least 1 representative in the State legislature, Hanna was in fact chosen by the Legislature of Ohio and represented my State as a Senator of the United States. That was a good many years ago.

Vinton County, one of Ohio's 88 counties, has a population of 10,274. Cuyahoga County, in which I live, has a population of more than 1,600,000. Cuyahoga County has 17 members of the House of Representatives of the General Assembly of Ohio, and Vinton County, having a population of 10,274, has 1. My vote in Cuyahoga County is worth a very small fraction of the vote of a resident of Vinton County, when it comes to the selection of a member of the House of Representatives of the General Assembly of Ohio.

Lake County, which adjoins Cuyahoga County to the east, has a population of 148,000. Also adjoining both Cuyahoga and Lake Counties is Geauga County. The difference is not quite so bad there; but Geauga County, with a population of 48,000, has one representative in the General Assembly of Ohio. The same sort of people, having the same interests, live in Cuyahoga, Lake, and Geauga Counties. Yet Lake County, with a population of 150,000 compared with its neighboring county of Geauga, with 48,000, has but one representative in the general assembly.

The 68 less densely populated counties of Ohio, with a population of 2,760,000, have 68 representatives in the House of Representatives of the Ohio Legislature. The remaining 20 more heavily populated counties of my State having a total population of 6,946,000, have only 66 representatives in the legislature. The result

is that 28.4 percent of Ohio's population has 50.7 percent of the seats in the house.

Regarding the State senate, I am glad to note, that the situation in Ohio is not so bad. There, it would require only a minority of 44.8 percent to elect a majority.

In addition, the amendment represents a wrong of even greater magnitude. It is also an attempt on the part of some persons to discredit and weaken the Supreme Court of the United States because those citizens disagree with many of the important decisions handed down by that great Court, of which we all have good reason to be proud.

The proposal strikes at the heart of the Federal system of checks and balances. It strikes at the very heart of our democracy. It seems to me unconscionable for Congress to allow itself to be used for such purposes. I strongly urge that this legislative proposal be tabled or laid aside until it can receive the consideration due it by what has been termed the greatest deliberative body in the world.

I firmly believe that votes should be cast by persons on an equal basis. As one born and reared in a rural county—I was born in Puckerbrush Township in Huron County, Ohio, a county not far distant—perhaps 50 miles—from Cuyahoga County, where I now live. Huron County is strictly a rural county with a population of approximately 47,000.

I know from living in a rural area of Ohio, and from having lived in urban areas of my State, that citizens of our cities will not act unjustly, capriciously, or vengefully in legislative matters.

Equal representation for all citizens without discrimination cannot be dangerous, despite the view of those who are opposed to this, including my opponent in Ohio for election as a Senator, come November.

On what basis, for example, does he regard citizens of Franklin County or Cuyahoga County, or of his own Hamilton County—which contains the very fine and beautiful city of Cincinnati—to be intellectually or morally inferior to citizens of Union or Vinton Counties?

I ask unanimous consent to have an editorial printed in the RECORD which was published in the Cleveland Press on Saturday, August 15, 1964, entitled "Taft Knows Better"; also an editorial published in the Toledo Blade of August 22, entitled "Unjustified Means"; and an editorial published in the Akron Beacon Journal of August 5, entitled, "Stopping the Clock." These three newspapers, the Cleveland Press, the Toledo Blade, and the Akron Beacon Journal, are regarded by knowledgeable people throughout the United States as among the greatest and the most respected newspapers in the Nation.

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

[From the Cleveland Press, Aug. 15, 1964]

TAFT KNOWS BETTER

Congressman ROBERT TAFT, a big-city Republican (Cincinnati), can't be allowed to go unchallenged on his statements Thursday regarding Ohio apportionment.

TAFT denied that Ohio's Legislature was dominated by rural elements. He said he knew because he had served there for 6 years.

How could the Congressman have served for that long and not know:

That 28.4 percent of Ohio's population has 50.7 percent (a majority) of the regular house seats in Columbus? Or, to put it another way—

That the 68 smallest counties, population 2,760,608, have 68 regular representatives—while the 20 largest counties, population 6,945,789, have only 66 seats? And also—

That the seven largest counties have 51.8 percent of Ohio's population and only 35.8 percent of the regular house seats?

The two most powerful figures in the legislature—Representative Roger Cloud and Senator Stanley Mechem—stride from the cornfields into the capitol. And their control over lawmakers could hardly be more complete.

TAFT was testifying for a constitutional amendment which would stymie reapportionment of Ohio's house, ordered by the U.S. Supreme Court.

In supporting this amendment, Congressman TAFT said he feared the rural counties of southern Ohio would be underrepresented if population were the sole consideration for legislative seats.

What does TAFT think of the plight of underrepresented city dwellers in Cuyahoga and Lake Counties, to name only a couple?

Would he rather represent wornout coal mines and pine trees or people?

[From the Toledo (Ohio) Blade, Aug. 22, 1964]

UNJUSTIFIED MEANS

As the Senate continued to wrestle over Senator EVERETT DIRKSEN's effort to postpone application of the Supreme Court's State reapportionment rulings, some commentators began to look beyond his tactics to find merit in his goal.

Columnist Walter Lippmann, for instance, declared in last Tuesday's Blade that there is a great deal to be said in favor of taking a breather in the reapportionment battles. In brief, his argument was: So drastic a change in our political structure as the realinement of representative power is a proper subject for deliberation and debate. Congress and the people should be brought into the decision through, say, a proposed constitutional amendment to modify the rules laid down by the Court.

Consequently, Mr. Lippmann found these advantages in delay of such overriding importance as to excuse Senator DIRKSEN's technique, which the columnist conceded is "a bit awkward and rather inconvenient."

We, too, can see the value in carefully weighing the full potential impact of the Court's mandate, especially the order that both houses of a legislature should represent population to the exclusion of all other interests and factors.

This is why we have expressed the hope that lower courts would allow time for study of all the problems involved in each State's specific situation. And this is why we have granted the need in some States to take account of geographic peculiarities or unusual population concentrations, even while allocating seats within the general one-man-one-vote framework.

Yet, just because of this concern, we think the question raised by Senator DIRKSEN's strategy is not whether it is justified by the need for caution, but whether it really serves that goal.

Is attention properly focused on the problems of reapportionment by attaching the delay proposal as a rider to a bill as irrelevant as the foreign aid authorization? Is full-scale deliberation encouraged by throwing a last-minute "monkey wrench" into the legislative works?

Experience with this kind of tactic—and it is a familiar one in legislative halls—compels a negative answer to both questions. The result of such maneuvers, in fact, is usually just the opposite of calm, reasoned, wise action.

It is for that very reason that the device is most often used to block rather than to promote constructive movement. And that is why Senator DIRKSEN's aim seems to be protection of vested political interests rather than correction of the imbalance of power in legislative chambers.

[From the Akron Beacon Journal, Aug. 5, 1964]

STOPPING THE CLOCK

Amending the Constitution of the United States is not something which can be done overnight—or even within a year.

The usual process involves a favorable two-thirds vote by each House of Congress and then ratification by the legislatures of three-fourths (38) of the States. Since many legislatures meet only once in 2 years and all but one have two houses, ratification is a time-consuming process. Even in the case of a noncontroversial amendment, it usually takes 3 or 4 or more years.

It is understandable, therefore, that Representative WILLIAM M. MCCULLOCH, of Ohio, is afraid that his proposed amendment nullifying the Supreme Court's "one person, one vote" decision will be too late—if, indeed, it ever should be adopted.

MCCULLOCH and others in Congress want to write into the Constitution a provision that only one house in a State legislature must be apportioned on a population basis. This would mean that the other house, in the words of Chief Justice Warren, could represent trees, or cows, or acres.

Federal courts are already hewing to the new precedent set by the Supreme Court and, in some States legislatures are moving to correct the imbalance without waiting for court orders.

Fearful that the reform in representation may soon be accomplished, Representative MCCULLOCH has introduced an interim resolution which would abolish, for a period of 7 years, the power of either State or courts to decree the reapportionment of one house of a State legislature.

In a parallel move, Senator DIRKSEN yesterday pushed through the Senate Judiciary Committee a bill to halt court orders for reapportionment until, in each case, a State legislature has held two regular sessions.

In other words, this would give 2 to 4 years for legislatures to act on the proposed constitutional amendment, while keeping the present apportionment in status quo.

It seems to us highly questionable whether the constitutional interpretations of the Supreme Court can be nullified or delayed by a mere act of Congress.

To be sure, the Constitution may be amended, but can Congress overrule the Court while the amendment process goes on?

MCCULLOCH's resolution, which goes further than DIRKSEN's bill, would even tell the State legislatures that they couldn't proceed with reapportionment.

Isn't that a direct contradiction of all that he and other States righters have been screaming about? They say they don't want any interference with the right of the States to set up their legislative apportionment in their own way. And now MCCULLOCH would have Congress tell them they can't give fair representation.

The U.S. Supreme Court ruled on this subject only after it became apparent that citizens had no other recourse against legislatures which neglected or refused to apportion representation on a fair basis.

Under prodding, many of the legislatures, including Ohio's, are now facing their responsibilities.

Is the clock now to be turned back, so that all the inequities of unequal representation can be perpetuated? That's the purpose of DIRKSEN's and MCCULLOCH's last-ditch fight to keep the status quo.

Mr. YOUNG of Ohio. Mr. President, the editorial in the Cleveland Press, which is a Scripps-Howard newspaper, the first of that great chain of newspapers, with a circulation of more than 350,000, states:

Congressman ROBERT TAFT a big-city Republican (Cincinnati), cannot be allowed to go unchallenged on his statements Thursday regarding Ohio apportionment.

TAFT denied that Ohio's Legislature was dominated by rural elements. He said he knew because he had served there for 6 years.

How could the Congressman have served for that long and not know: That 28.4 percent of Ohio's population has 50.7 percent (a majority) of the regular house seats in Columbus? Or, to put it another way—

That the 68 smallest counties, population 2,760,608, has 68 regular representatives—while the 20 largest counties, population 6,945,789, have only 66 seats? And also—

That the seven largest counties have 51.8 percent of Ohio's population and only 35.8 percent of the regular house seats?

The editorial continues, explaining that:

TAFT was testifying for a constitutional amendment which would stymie reapportionment of Ohio's house, ordered by the U.S. Supreme Court.

In supporting this amendment, Congressman TAFT said he feared the rural counties of southern Ohio would be underrepresented if population were the sole consideration for legislative seats.

What does TAFT think of the plight of underrepresented city dwellers in Cuyahoga and Lake Counties, to name only a couple?

Would be rather represent wornout coal mines and pine trees or people?

The Toledo Blade, which is one of the great newspapers of this country, stated:

As the Senate continued to wrestle over Senator EVERETT DIRKSEN's effort to postpone application of the Supreme Court's State reapportionment rulings, some commentators began to look beyond his tactics to find merit in his goal.

Columnist Walter Lippmann, for instance, declared in last Tuesday's Blade that there is a great deal to be said in favor of taking a breather in the reapportionment battles. In brief, his argument was: So drastic a change in our political structure as the realinement of representative power is a proper subject for deliberation and debate. * * *

Consequently, Mr. Lippmann, who is certainly one of the most respected columnists in this country—

found these advantages in delay of such overriding importance as to excuse Senator DIRKSEN's technique, which the columnist conceded is "a bit awkward and rather inconvenient."

We, too, can see the value in carefully weighing the full potential impact of the Court's mandate, especially the order that both houses of a legislature should represent population to the exclusion of all other interests and factors.

This is why we have expressed the hope that lower courts would allow time for study of all the problems involved in each State's specific situation. And this is why we have granted the need in some States to take account of geographic peculiarities or unusual population concentrations, even while allocating seats within the general one-man-one-vote framework.

That is a perfectly logical statement. The situation in some States—Alaska, for example—might be unique. Undoubtedly the situation is different in that new State. Perhaps there is good reason to have every section represented. However, it might be a reason that would not apply to a State such as Ohio, with a population of 10 million in a compact area, as contrasted with a huge State such as Alaska.

The columnist is certainly accurate in his statement that time should be given in which to determine the factors involved in every State in the Union.

The editorial continues:

Yet just because of this concern, we think the question raised by Senator DIRKSEN's strategy is not whether it is justified by the need for caution, but whether it really serves that goal.

Is attention properly focused on the problems of reapportionment by attaching the delay proposal as a rider to a bill as irrelevant as the foreign aid authorization? Is full-scale deliberation encouraged by throwing a last-minute monkey wrench into the legislative works?

Experience with this kind of tactic—and it is a familiar one in legislative halls—compels a negative answer to both questions. The result of such maneuvers, in fact, is usually just the opposite of calm, reasoned, wise action.

It is for that very reason that the device is most often used to block rather than to promote constructive movement. And that is why Senator DIRKSEN's aim seems to be protection of vested political interests rather than correction of the imbalance of power in legislative chambers.

We in the Senate should be vigilant to prevent any disturbance in the delicate relationship between the three coordinate and equal branches of our Government—the legislative, executive, and judicial.

The third editorial to which I referred appeared in the Akron Beacon Journal under the caption "Stopping the Clock." I also call this editorial to the attention of my colleagues as an outstanding editorial printed in one of the great newspapers of my State.

The editorial reads:

[From the Akron Beacon Journal, Aug. 5, 1964]

STOPPING THE CLOCK

Amending the Constitution of the United States is not something which can be done overnight—or even within a year.

The usual process involves a favorable two-thirds vote by each House of Congress and then ratification by the legislatures of three-fourths (38) of the States. Since many legislatures meet only once in 2 years and all but one have two houses, ratification is a time-consuming process. Even in the case of a noncontroversial amendment, it usually takes 3 or 4 or more years.

It is understandable, therefore, that Representative WILLIAM M. MCCULLOCH, of Ohio, is afraid that his proposed amendment nullifying the Supreme Court's "one-person, one-vote" decision will be too late—if, indeed, it ever should be adopted.

MCCULLOCH and others in Congress want to write into the Constitution a provision that only one house in a State legislature must be apportioned on a population basis. This would mean that the other house, in the words of Chief Justice Warren, could represent trees, or cows, or acres.

That could be the effect if the cloture motion should be agreed to, and this measure were passed.

The editorial continues:

Federal courts are already hewing to the new precedent set by the Supreme Court and, in some States, legislatures are moving to correct the imbalance without waiting for court orders.

Fearful that the reform in representation may soon be accomplished, Representative MCCULLOCH has introduced an interim resolution which would abolish, for a period of 7 years, the power of either State or courts to decree the reapportionment of one house of a State legislature.

In a parallel move, Senator DIRKSEN yesterday pushed through the Senate Judiciary Committee a bill to halt court orders for reapportionment until, in each case, a State legislature has held two regular sessions.

In other words, this would give 2 to 4 years for legislatures to act on the proposed constitutional amendment, while keeping the present apportionment in status quo.

It seems to us highly questionable whether the constitutional interpretations of the Supreme Court can be nullified or delayed by a mere act of Congress.

To be sure, the Constitution may be amended, but can Congress overrule the Court while the amendment process goes on?

MCCULLOCH's resolution, which goes further than DIRKSEN's bill, would even tell the State legislatures that they couldn't proceed with reapportionment.

Isn't that a direct contradiction of all that he and other States righters have been screaming about? They say they don't want any interference with the right of the States to set up their legislative apportionment in their own way. And now MCCULLOCH would have Congress tell them they can't give fair representation.

The U.S. Supreme Court ruled on this subject only after it became apparent that citizens had no other recourse against legislatures which neglected or refused to apportion representation on a fair basis.

Under prodding, many of the legislatures, including Ohio's, are now facing their responsibilities.

Is the clock now to be turned back, so that all the inequities of unequal representation can be perpetuated? That's the purpose of DIRKSEN's and MCCULLOCH's last-ditch fight to keep the status quo.

We in this Nation are proud that we have three coordinate branches of our Government—the legislative, executive, and the judicial. The pending amendment, if enacted, would destroy that equality which our Founding Fathers proposed. I hope that the pending amendment will be defeated.

I strongly urge against taking any precipitate action on the measure until it can be considered in a deliberative manner, in a calmer atmosphere, after the new Congress convenes next January.

As a U.S. Senator, representing the sovereign State of Ohio, I shall vote against the motion to close debate on this matter. I feel that we should put this aside altogether, not seek to have it adopted during this session of the Congress, and immediately go on with business that we should attend to; and then we should adjourn sine die.

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

Mr. YOUNG of Ohio. I yield.

Mr. METCALF. I have heard the excellent presentation made by the Senator from Ohio. The Senator has analyzed the so-called Dirksen amendment as to its effect on his own State. He has made an excellent presentation for a continua-

tion of the debate until another Congress convenes and we can analyze, work on, and hear evidence about a proposed constitutional amendment, which is the way to approach the subject.

Has the Senator from Ohio completed his remarks?

Mr. YOUNG of Ohio. Yes; I yield the floor.

Mr. METCALF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. METCALF. As I understand, by unanimous consent the Senator from West Virginia [Mr. RANDOLPH] yielded the floor to the Senator from Ohio [Mr. YOUNG], and then the Senator from Ohio [Mr. YOUNG] yielded to the junior Senator from Montana.

The PRESIDING OFFICER. The Senator is correct.

Mr. METCALF. At the conclusion of my remarks, will the Senator from West Virginia again have the floor?

The PRESIDING OFFICER. The Senator is correct.

Mr. METCALF. I thank the Chair.

Mr. President, I wish to address myself briefly to the same proposal about which the Senator from Ohio spoke, namely, the proposed amendment relative to reapportionment.

As a preface and in order to demonstrate objectiveness on this question I will analyze, as best I can, how the reapportionment provision will apply in Montana. This is an anniversary year in Montana; we are celebrating our centennial as a territory, and our 75th year as a State. The Organic Act of 1864 served as the Montana Constitution for the first 25 years. Section 4 of that act provided as follows:

> 4. *And be it further enacted,* That the legislative power and authority of the said territory shall be vested in the Governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of seven members having the qualifications of voters, as hereinafter prescribed, whose term of office shall continue two years. The house of representatives shall, at its first session, consist of thirteen members, possessing the same qualifications as prescribed for the members of the council, and whose term of service shall continue one year. The number of representatives may be increased by the legislative assembly, from time to time, to twenty-six, in proportion to the increase of qualified voters; and the council, in like manner, to thirteen. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts for the election of the council and representatives, giving to each section of the territory representation in the ratio of its qualified voters as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the district, or county, or counties for which they may be elected, respectively.

Congress in enacting that law apparently intended that the council and the house of representatives should be apportioned "as nearly equal as practicable" on the basis of population.

When Montana became a State and adopted its constitution, it changed this concept of equal apportionment for both houses to one that is contained in the following provisions:

> ARTICLE VI
>
> SEC. 2. The legislative assembly shall provide by law for an enumeration of the inhabitants of the State in the year 1895, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise, and adjust the apportionment for representatives on the basis of such enumeration according to ratios to be fixed by law.
>
> SEC. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of representative districts.
>
> SEC. 4. Whenever new counties are created, each of said counties shall be entitled to one Senator, but in no case shall a senatorial district consist of more than one county.

The first Governor of Montana, Joseph K. Toole, was a delegate to the constitutional convention and he argued eloquently and fought long and hard against the proposition that each county would be entitled to one senator "and no more."

Governor Toole, more than three-fourths of a century ago, in a statement that has a prophetic ring to it, said:

> This section is inherently wrong and does not meet the requirements of the Constitution of the United States which guarantees to every State a republican form of government. The counties in Montana, whether they contain 200 or 200,000 inhabitants are all placed on equal footing. What I understand to be meant by a republican form of government is a government where sovereignty is confided to and immediately exercised by the popular will.

Governor Toole suggested that it was appropriate and desirable for each county to have at least one senator in order that local interests have an expression but the limitation of one senator to each county was strenuously resisted on the same grounds as the Supreme Court of the United States laid down in Reynolds against Sims.

Mr. Arthur J. Craven, another member of the Montana Constitutional Convention, made a speech that sounds as if it came directly out of the decision of the Supreme Court 75 years later. He said, that the idea of one senator, and no more than one senator, for each county was "equivalent to saying, Go over all this broad domain of ours and let the rocks and the grasses and the squirrels and the cattle have representation instead of men and women—the most preposterous idea, I think, that has ever been seriously considered by a parliamentary assembly."

But the convention did not go along with these ideas. The spokesmen for equal representation were 75 years ahead of their time. Instead, the provisions above quoted were adopted and approved by Congress in the Enabling Act.

At the time the constitutional convention met in 1889 there were about 130,000 people in Montana territory. Half of these lived in three counties, Silver Bow, Deer Lodge, and Lewis and Clark, that are the mining counties of Montana. The cities of Butte, Anaconda, and Helena controlled the territorial legislature, and the smaller counties—smaller in population—had come to resent this tricounty control. It was the mining counties against the ranching and farming economy of the rest of the State.

It must also be remembered that in 1889 Montana was a State of the old frontier. Even the best roads were dirt, and most of them were impassable in inclement weather. Horses and buggies and wagon trains made the already great distances seem even greater. County seats were small, and in remote areas there was more loyalty to the county and its immediate region than to the rest of the vast territory.

Therefore, the original constitutional convention for Montana was a battleground of the same questions as have been recently decided by the U.S. Supreme Court. Delegates from the farming counties, rural districts that were sparsely populated, fought to contain the influence of the richer and more populous mining counties. The plan for the representation of rocks, grass, squirrels and cattle instead of men and women, won.

During the course of the debate an amendment was offered to provide for "at least one senator per county." And when this was defeated, and the original proposal that there be not more than one senator per county was adopted, one of the newspapers from outside the three most populous counties commented:

> We are pleased to state that the swinishness of the populous counties has met with a check.

There is no doubt that the Montana Constitutional Convention knew what it was doing when it apportioned the senate in the way it did. Although the debate did mention the Federal analogy, the members differentiated it and did not accept it as the basis for the apportionment finally arrived at. The apportionment of the senate was a deliberate effort on the part of rural and sparsely settled counties to wrest control from the three richest and most populous counties. In doing so, one of the greatest of Montana's early Governors warned the members that they were violating the Constitution of the United States.

In 1889 there were 16 counties in Montana, by 1925 40 new counties had been created and the Montana Senate consisted of 56 members. Some of these counties were needed. In some eastern Montana counties the county seat was as much as 200 miles away over impassable and nonexistent roads. But county splitting, and the establishment of county seats became such a popular sport during the homesteading years that many new counties of small population were formed. These counties have not realized the optimistic hopes of their founders. The dreams of the county busters disappeared in the farm depression of the twenties. From 1901 on, the legislature provided that each new county would be entitled to at least one representative. This, of course, upset the balance in the house of representatives

so that both branches of the Montana Legislature became malapportioned.

I can personally testify to such disproportionment, because I served as a representative to the Montana Legislature in 1937, when the house of representatives consisted of 102 members, taxing even the accommodations of the house chamber.

In 1961 an apportionment act established the ratio of population for representatives at 1 per 8,500 or major fraction. This aggravated malapportionment in that branch of the legislature. An example is Ravalli County which I represented in 1937. There are 12,341 people. For years it had had two representatives. But in 1963 it lost its second representative because it fell short of the 8,500 plus a major fraction—4,251—or a total of 12,751 for a second representative—410 people short. Yet in the State of Montana there are 17 counties with less than the 3,841 people by which Ravalli County exceeded the 8,500 figure.

Today the senate in Montana is composed of 56 members, one from each of the 56 counties. In the 1960 election the smallest county—Petroleum—had 535 registered voters. The most populous county—Yellowstone—had 36,407 registered voters. Therefore, the elector in Petroleum County has a voting power in the State senate of over 70 times the voting power of an elector in Yellowstone County. Petroleum County with 535 registered voters and Ravalli County with 6,459 voters have the same representation in the house of representatives; one vote.

Now, what will a realinement and a reapportionment do to the political composition of the house of representatives and the State senate if the decision of the U.S. Supreme Court is followed? This is a difficult question, and at the present time I have not the local election returns that will permit an accurate analysis of the effect. In a recent article in the Montana Business Quarterly, a publication of the School of Business Administration of Montana State University, Mr. Douglas C. Chaffey published a proposal for "Legislative Apportionment in Montana" that would comply with the decision of the U.S. Supreme Court. Mr. Chaffey is a native of Montana, a graduate of the business school, and is now studying for his doctorate at the University of Wisconsin.

Mr. Chaffey has proposed that districts of approximately 7,000 be created for the house of representatives in the Montana Legislature which would retain the present membership of 94. For reapportionment of the State senate a constitutional amendment would be necessary to eliminate the provision that each county was entitled to one senator. He creates senatorial districts of more than one county based on population. Using a ratio of 20,000 persons for each senator he has drawn senatorial districts that will substantially change the political complexion of the Montana Legislature.

It is admittedly difficult to extrapolate the present membership of the State senate upon a new system of elections. For example some of the leading and most influential State senators are from the rural counties. Given their prestige and their public acceptance these men would be elected from any larger senatorial district regardless of party affiliation.

But merely for the purpose of demonstrating the effect of a reapportionment on the basis of population as recommended by Mr. Chaffey, I have worked out what might have happened in 1960 had the vote for State senator been cast in the same proportion as the vote for Governor, for President, and for U.S. Senator in the 1960 election.

Montana now has 35 Democratic State senators and 21 Republicans. The proposal made by Mr. Chaffey would create 20 senatorial districts in Montana with a total of 33 elected senators. The table for the population breakdown and the number of State senators for each district is as follows.

I ask unanimous consent that it be included in the CONGRESSIONAL RECORD at this point as a part of my remarks.

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

A proposed apportionment of the Montana Senate

Senatorial district	Population	Senators
1. Yellowstone, Carbon	87,333	4
2. Cascade	73,418	4
3. Missoula, Mineral, Ravalli	60,041	3
4. Silver Bow, Jefferson	50,751	3
5. Flathead, Lincoln	45,502	2
6. Lewis and Clark, Meagher, Broadwater	33,426	2
7. Glacier, Pondera, Toole, Teton	32,448	2
8. Deer Lodge, Granite, Powell	28,656	1
9. Hill, Chouteau, Liberty, Blaine	29,364	1
10. Wheatland, Mussellshell, Fergus, Golden Valley, Judith Basin	27,024	1
11. Gallatin	26,045	1
12. Phillips, Valley	23,107	1
13. Custer, Fallon, Carter, Powder River	22,192	1
14. Daniels, Sheridan, Roosevelt	22,043	1
15. Dawson, Garfield, McCone, Prairie, Wibaux	21,632	1
16. Park, Stillwater, Sweet Grass	21,984	1
17. Lake, Sanders	19,984	1
18. Big Horn, Treasure, Rosebud	17,539	1
19. Beaverhead, Madison	12,405	1
20. Richland	10,541	1
Total (20 districts)	674,767	33

Mr. METCALF. Using Mr. Chaffey's proposal and the Democratic and Republican vote for Governor in 1960 as a guide for the probable vote for Democratic and Republican State senators in these districts, it would consist of 27 Republicans and 6 Democrats. If the 1960 returns in the presidential contest between John F. Kennedy and Richard M. Nixon be used as a guide, it would be closer, there would be 20 Republican State senators and 13 Democratic senators.

Richard Nixon carried the State for President by about 7,000 votes; former Gov. Donald G. Nutter was elected Governor by a plurality of 28,500 votes. On the other hand, I was elected U.S. Senator in the same statewide election by 4,000. Using the election returns in the U.S. Senate race as a guide, the margin would change and the State senate would consist of 18 Democrats and 15 Republicans.

The trial courts of record in Montana are the district courts. In order to attempt to balance the work of the courts, the counties have long been combined into judicial districts. The table for the combination of counties in each judicial district and the number of judges therein is contained in a table which I ask unanimous consent to have included in the CONGRESSIONAL RECORD at this point.

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

Judicial district	Counties	Population	Number of judges
1st	Broadwater and Lewis and Clark.	30,810	2
2d	Silver Bow	46,454	2
3d	Deer Lodge, Granite, and Powell.	28,656	1
4th	Missoula, Mineral Lake, Ravalli, and Sanders.	80,025	3
5th	Beaverhead, Jefferson, and Madison.	17,287	1
6th	Park and Sweet Grass	16,458	1
7th	Dawson, McCone, Richland, and Wibaux.	27,837	1
8th	Cascade and Chouteau	80,766	3
9th	Teton, Pondera, Toole, and Glacier.	34,417	1
10th	Fergus, Judith Basin, and Petroleum.	17,997	1
11th	Flathead and Lincoln	45,502	2
12th	Liberty, Hill, and Blaine	29,368	1
13th	Yellowstone, Big Horn Carbon, Stillwater, and Treasure.	104,211	3
14th	Meagher, Wheatland, Golden Valley, and Musselshell.	11,733	1
15th	Roosevelt, Daniels, and Sheridan.	21,944	1
16th	Custer, Carter, Fallon, Prairie, Powder River, Garfield, and Rosebud.	32,661	2
17th	Phillips and Valley	23,107	1
18th	Gallatin	26,045	1

Mr. METCALF. There are 28 district judges; and again using the 1960 election results for Governor, President, and U.S. Senator as a guide and assuming that there would be as many State senators as there are now district judges, the results would come out about the same as in the above proposal. If the election returns for Governor were transferred to the State senator race, the Montana State Senate would not consist of 35 Democrats and 21 Republicans as now organized, but would be 23 Republicans and 5 Democrats. Using the presidential election returns, the ratio would be 18 Republicans and 10 Democrats; and again using the returns in my contest in 1960, there would be a slight Democratic advantage of 16 Democrats and 12 Republicans.

It is obvious from these figures that any reapportionment of the Montana State Senate would work to the advantage of the Republican Party. There are outstanding and experienced and well-known men in each party whose personal following would change the values given above. But over the years and considering the whole State the ratio would probably work out to the advantage of the Republican Party.

An apportionment with districts such as are suggested by Mr. Chaffey however, does give a basis for practical malapportionment and misrepresentation in the same manner as I have earlier suggested. I mentioned the Fourth Judicial

District where the large county of Missoula completely dominated the smaller surrounding counties. Another such example is the combination of Yellowstone County with a population of 79,016 and Carbon County with a population of 8,317 into one senatorial district to elect 4 State senators. Actually the entire number would come from Yellowstone County and unless there were an exceptional and well-known individual from Carbon County that area and its special interests would never be represented. This is why I believe that we should have hearings on a constitutional amendment to permit one house of a bicameral legislature to be represented by other than a population ratio. On the other hand, there may be serious and overriding political reasons that should prohibit such a division of legislative authority and the whole question should be threshed out in thorough and comprehensive hearings before the legislative committees of the Congress who are skilled in these political questions and not come to us as an amendment to a foreign aid authorization bill.

Mr. President, I have shown what would probably happen in the State of Montana if there were a reapportionment of the State senate. It would work to the advantage of the Republican Party.

I have demonstrated this because I still believe that we should oppose the present amendment and vote against the present proposal to invoke cloture on next Thursday, and vote for a constitutional amendment, and for comprehensive and thorough hearings on such an amendment, to properly and adequately appraise the political aspects of the situation.

According to Madison's reports of the debates in the Constitutional Convention, on June 11 the Chairman, Benjamin Franklin said:

> It has given me great pleasure to observe that till this point, the proportion of representation, came before us, our debates were carried on with great coolness and temper. If anything of a contrary kind, has on this occasion appeared, I hope that it will not be repeated; for we are sent here to consult, not to contend, with each other; and declarations of a fixed opinion, and of determined resolution, never to change it, neither enlighten nor convince us. Positiveness and warmth on one side, naturally beget their like on the other; and tend to create and augment discord and division in a great concern, wherein harmony and union are extremely necessary to give weight to our councils, and render them effectual in promoting and securing the common good.
>
> I must own that I was originally of the opinion that it would be better if every Member of Congress, or our National Council, were to consider himself rather as a representative of the whole, than as an agent for the interests of a particular State; in which case the proportion of Members for each State would be of less consequence, and it would not be very material that they voted by States or individually. But I find this not to be expected. I now think the number of Representatives should bear some proportion of the number of the represented.

Franklin was speaking on the issue of suffrage in the proposed National Legislature which became Congress in the final draft of the Constitution. But I find this quotation appropriate at this time because this is the first occasion since I became the junior Senator from Montana that I have disagreed so strongly from the position taken by my senior colleague. Because of my affection and regard for him, and my respect for his wisdom and leadership I hope that I can today set forth my differences with him on this issue without engendering the warmth that Franklin sought to avoid. At the same time I am convinced that in justice to my constituents and my esteem for my colleague, the majority leader, that I set forth the reasons why I oppose the amendment he has cosponsored with the minority leader, the distinguished Senator from Illinois. As Franklin said:

> I now think the number of representatives should bear some proportion to the number of the represented.

I must confess when the decision in *Baker* v. *Carr*, 369 U.S. 186, was handed down in March of last year, I did not read the case. I read about the decision in the newspapers and periodicals and actually arrived at no conclusion about it, other than to say that it was about time that something was done about malapportionment in some of the congressional districts. Nor did I read the other decisions that followed until the last few weeks when this amendment was first advanced. I have now read and studied to the best of my ability not only Baker against Carr, but Reynolds against Sims; WMCA, Inc. against Lomenzo; Roman against Sincock; Maryland Committee for Fair Representation against Tawes; Lucas against the Forty-fourth General Assembly of Colorado; Davis against Mann, all relating to various phases of the reapportionment question. In addition, I have reread some of the Federalist Papers, several Law Review articles, and the minutes of the procedures of the Constitutional Convention. After such, by no means exhaustive research, I have come to the conclusion that I agree with Reynolds against Sims:

> We hold that, as a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for State legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with the votes of citizens living in other parts of the State.

Again later on the Court says:

> By holding that as a Federal constitutional requisite both houses of a State legislature must be apportioned on a population basis, we mean that the equal protection clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature as nearly of equal population as is practicable.

These declarations are reinforced by statements made by our Founding Fathers. For example, James Wilson, a delegate to the 1887 Constitutional Convention said:

> The doctrine of representation is this—first the representative ought to speak the language of his constituents, and secondly that his language or vote shall have the same influence as though the constituents gave it.

And Jefferson said:

> Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation, because the prejudices themselves cannot be justified.

The Declaration of Independence stresses the democratic ideals of equality and the right of representation. The Northwest Ordinance of 1887 provided that all the people would be forever entitled to representation in the legislature in proportion to their members.

But if one of the basic assumptions of democratic rule is the one man, one vote concept so that all citizens will have approximately the same political voting weight in both houses of a bicameral State legislature, I am not certain that sound political doctrine requires such an apportionment. In his dissenting opinion in Reynolds against Sims, Mr. Justice Harlan enumerates some of the factors that have been used as criteria for establishing electoral districts in one body of a bicameral legislature other than population. They are as follows:

> First, history; second, economics of other sorts of group interests; third, area; fourth, geographical considerations; fifth, a desire "to insure effective representation for sparsely settled areas"; sixth, "availability of access of citizens to their representatives"; seventh, theories of bicameralism (except those approved by the Court); eighth, occupation; ninth, "an attempt to balance urban and rural power"; tenth, the preference of a majority of voters in the State.

I find merit in Justice Harlan's argument that "legislators can represent their electors only by speaking for their interests—economic, social, political—many of which do reflect the place where the electors live."

For example, in Montana, where I grew up, the Fourth Judicial District, which is the district for original trial of cases under the jurisdiction of the first court of record, was composed of five counties: Missoula, Mineral, Lake, Ravalli, and Sanders. Missoula County had a voter registration of 22,000, and the combined registration of the outlying counties was 18,300. Time and again I have seen a lawyer from Mineral, or Sanders, or Ravalli, or Lake run for one of the two positions open for district judge and get a majority of the vote in all the outlying counties and still be defeated by the hometown candidates in Missoula. If the judicial district had been a senatorial electoral district, the electors of the outlying counties would have been more effectively disfranchised than residents of malapportioned districts. But this is a matter for a constitutional amendment, and the questions raised by the various criteria mentioned by Justice Harlan, and others, are questions that should be carefully explored in comprehensive congressional hearings and not be regarded as side issues to a foreign aid authorization bill in the closing days of a Congress.

The controversy in which we are engaged in reminiscent of the last days of the 85th Congress when I was a Member of the other body and several bills limiting the power of the Supreme Court were

still pending. The House sent to the Senate such legislation as the notorious H.R. 3, which was a broad preemption bill, a bill modifying the Supreme Court's decision in the Mallory case, and a bill to limit Federal judicial review of State criminal trials by habeas corpus. This latter proposition has come under popular scrutiny as a result of the New Yorker magazine articles that have been issued as a book under the title of "Gideon's Trumpet."

By a curious coincidence the dates are almost identical. The then majority leader of the Senate, now President Johnson, wanted to adjourn sine die on August 23. The target date this year was August 22.

In that year Senator HUMPHREY and Senator DOUGLAS led the assault on the legislation, and when Congress adjourned a little group of Senators had defeated the congressional attack on the courts.

But that year the questions were a little different. For example, there was the preemption issue brought up, chiefly, by the decision of the Supreme Court in *Pennsylvania* v. *Nelson*, 350 U.S. 497 (1956), in which the U.S. Supreme Court held that the Pennsylvania State sedition act was invalid because the Federal Government had preempted this area and the State no longer had any power.

H.R. 3 would have provided:

> No act of Congress shall be construed as indicating an interest on the part of Congress to occupy the field in which such act operates to the exclusion of any State laws on the same subject matter unless such act contains an express provision to that effect, or unless there is a direct and positive conflict between such act and the State law so that the two cannot be reconciled or consistently stand together.

A second section of the bill dwelt directly with the Nelson case and provided that Federal antisubversion legislation could not prevent enforcement of State sedition statutes.

Section 1, if enacted, would have been a broad statutory declaration by Congress that it does not intend to preempt any field without a specific declaration of such an intent. The mischief of H.R. 3, of course, was that it was retroactive. But clearly such a declaration is within the power of the legislative branch.

Another decision was that of *Yates* v. *United States*, 354 U.S. 298, which involved the conviction of 14 Communists in California for violation of the Smith Act. This case did not question the constitutionality of the Smith Act, but it did consider statutory interpretation, judicial procedure, and evidence. The convictions of five defendants were reversed, and nine defendants were granted a new trial.

In the majority opinion of Yates, Justice Harlan relied on one of the oldest rules of statutory interpretation—that penal laws are to be strictly construed. This rule, as Chief Justice Marshall said in *U.S.* v. *Wiltberger*, 5 Wheat. 76, "is founded on the tenderness of the law for the rights of individuals; and on the plain principle that the power of punishment is vested in the legislature, not in the Court, which is to define a crime, and ordain its punishment." The Court went on to interpret and construe the word "organize" in the Smith Act in a very narrow way that excluded the defendants before the bar. This decision was actually based on a desire, as stated above by Justice Harlan, to have the Court leave the question of legislating to the Congress, even though the decision was attacked as judicial legislating.

A third question that brought about the attack on the Supreme Court in the 85th Congress was the passport decision. The power to give the Secretary of State broad discretionary powers to deny passports dated back to the basic statute, passed in 1856, which provided:

> The Secretary of the State may grant and issue passports * * * under such rules as the President shall designate and prescribe.

In *Kent* v. *Dulles*, 375 U.S. 116 (1958), the Court held that the right to travel was an individual constitutional right, protected by the due process clause, that could not be infringed by vague and indefinite statutory implication. If the right was to be limited, a clear and specific statutory foundation had to be laid and these limitations had to be subject to the classic rules for delegation of legislative power to the executive.

I have dwelt upon these cases in some detail because I want to point out the essential difference between what is being attempted at this time and what the advocates of the bills to curb the Supreme Court were attempting in the 85th Congress.

Incidentally, on August 21, 1958, in a crucial vote the Senate recommitted the preemption bill by a vote of 41 to 40. Both authors of the present amendment and the then majority leader, and now President Johnson voted to recommit the bill. I ask unanimous consent that the rollcall on that vote be printed at this point in the RECORD.

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

> Yeas, 41: Aiken, Anderson, Beall, Bennett, Bible, Carroll, Case of New Jersey, Case of South Dakota, Chavez, Church, Clark, Cooper, Dirksen, Douglas, Green, Hayden, Hennings, Humphrey, Jackson, Javits, Johnson of Texas, Kefauver, Kennedy, Langer, Lausche, Magnuson, Malone, Mansfield, McNamara, Morse, Morton, Murray, Neuberger, O'Mahoney, Pastore, Proxmire, Purtell, Saltonstall, Symington, Wiley, Yarborough.
>
> Nays, 40: Barrett, Bridges, Butler, Byrd, Capehart, Cotton, Curtis, Dworshak, Eastland, Ellender, Ervin, Fulbright, Goldwater, Gore, Hickenlooper, Hill, Hoblitzell, Jenner, Johnston of South Carolina, Jordan, Knowland, Kuchel, Long, Martin of Iowa, Martin of Pennsylvania, McClellan, Mundt, Potter, Revercomb, Robertson, Russell, Schoeppel, Smith of Maine, Sparkman, Stennis, Talmadge, Thurmond, Thye, Watkins, Williams.
>
> Not voting, 15: Allott, Bricker, Bush, Carlson, Flanders, Frear, Holland, Hruska, Ives, Kerr, Monroney, Payne, Smathers, Smith of New Jersey, Young.

Mr. METCALF. Mr. President, I have emphasized that in each of the categories mentioned the Supreme Court was interpreting statutes and defining statutory rights or limiting statutory restrictions that had been created by Congress.

The passport issue, the loyalty-security issue, the preemption issue—all turned upon the construction of legislative language, upon the application of classic rules for ascertaining legislative intent, upon basic considerations coming to us from the common law upon protecting from vague statutory language the rights of individuals charged with crimes. Such decisions are always within the purview of the Supreme Court; and when the Court misjudges legislative intent, misconstrues legislative language, or points out that the statute is indefinite or obscure, the legislature or Congress has the duty and obligation to examine the decision and correct the wrong legislative interpretation, or redefine the crime, or clarify the language.

But in the amendment offered by the majority and minority leaders, we are not only confronted with statutory interpretation and determination of legislative intent, but we have before us a basic constitutional issue. Justice Holmes once declared:

> If American law were to be represented by a single figure, skeptic or worshipper alike would agree without dispute that the figure could be one alone, and that one John Marshall.

Of course, the great decision of Chief Justice Marshall was that of Marbury against Madison, 1 Cranch. 137—1803. Marbury against Madison established the principle of the supremacy of the judiciary in constitutional matters. The authority of the U.S. Supreme Court to declare a statute unconstitutional was laid down, an authority that is now firmly established in American jurisprudence.

In the Dirksen amendment, as in the Tuck bill, we are not confronted by legislative interpretation, or by clarification of language that has been held to be vague or indefinite. We are faced with a series of decisions that hold that "one man, one vote" is a basic constitutional proposition for electors for the House of Representatives of the Congress, and equally for both houses of a bicameral State legislature. The majority leader has said that one purpose of his amendment is to gain some time for the legislatures to act. He says that he regrets that the Court did not mention "deliberate speed" with which the States could comply with the decision, as was mentioned in the school segregation cases. But a reading of Reynolds against Sims forcefully demonstrates that great flexibility is permitted by the Court, even more than a solitary mention of "deliberate speed."

In the statement of the case, the Court pointed out that the Alabama constitution required reapportionment immediately after each decennial census and yet, in spite of population changes, no such reapportionment had taken place since 1901. Here, then, is more than a half century of inaction; certainly this is not precipitous activity on the part of the Court. Throughout the opinion the Court has laid down flexible standards in language such as:

> By holding that as a Federal constitutional requisite both houses of a State legislature must be apportioned on a population basis, we mean that the equal protection clause

requires that a State make an honest and good-faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.

Again the legislative act:

Would be constitutionally valid, so long as the resulting apportionment was one based substantially on population and the equal-population principle was not diluted in any significant way. Somewhat more flexibility may therefore be constitutionally permissible with respect to State legislative apportionment than in congressional redistricting.

Then the Court works out the technique of handling the cases, not making general rules but declaring:

Developing a body of doctrine on a case-by-case basis appears to us to provide the most satisfactory means of arriving at detailed constitutional requirements in the area of State legislative apportionment.

It is just this case-by-case analysis as a judicial process that the Congress proposes to halt by the pending amendment.

I read from the case of Roman against Sincock:

Our affirmance of the decision below is not meant to indicate approval of the District Court's attempt to state in mathematical language the constitutionally permissible bounds of discretion in deviating from apportionment according to population.[1] In our view the problem does not lend itself to any such uniform formula, and it is neither practicable nor desirable to establish rigid mathematical standards for evaluating the constitutional validity of a State legislative apportionment scheme under the equal protection clause. Rather, the proper judicial approach is to ascertain whether, under the particular circumstances existing in the individual State whose legislative apportionment is at issue, there has been a faithful adherence to a plan of population-based representation, with such minor deviations only as may occur in recognizing certain factors that are free from any taint of arbitrariness or discrimination.

Mr. President, in Wesberry against Sanders, the Court held that congressional representation must be based on population as nearly as is practicable. There is also provision for flexibility insofar as the time is concerned. Reynolds against Sims says that limitations on the frequency of reapportionment are justified by the need for stability and continuity in the organization of the legislative system, although undoubtedly reapportionment no more frequently than every 10 years leads to some imbalance in the population of districts toward the end of the decennial periods, and also to the development of resistance to change on the part of some incumbent legislators. In substance, we do not regard the equal protection clause as requiring daily, monthly, annual or biennial reapportionment so long as a State has a reasonably conceived plan for a periodic readjustment of legislative representation.

So, the real flexibility is in compliance with the decision of the Supreme Court. The rigidity that is deplored is in adopting the pending amendment that will stay all proceedings.

But the basic proposition through all the reapportionment cases is the constitutional right of the individual to have his vote count for just as much as any other individual's. This is the golden thread that runs through all the decisions. In Baker against Carr the Court said:

We conclude that complainant's allegations of a denial of equal protection present a justiciable constitutional cause of action upon which appellants are entitled to a trial and decision. The right asserted is within the reach of judicial protection under the 14th amendment.

Mr. PROXMIRE. Mr. President, will the Senator from Montana yield?

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. METCALF. I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. The Senator's contention that, as he puts it, the golden thread consistently runs through the court decisions, is that it is a constitutional right of each individual to have his vote count as every other individual vote; is that not correct?

Mr. METCALF. The Senator is correct. It is a basic, individual constitutional right, with which I agree. I believe that an examination of the Federalist Papers, the minutes of the original Constitutional Convention, and other documents of our Founding Fathers, will bear out that it was the original intention in both legislatures and in the House of Representatives that the one-man one-vote principle should be a part of our republican form of government.

Mr. PROXMIRE. As I understand, then, what is most unfortunate and wrong about the Dirksen and the Tuck proposals is that they would have the Congress to intervene, after a Supreme Court decision, and suspend or overrule the action of the Supreme Court, which would in effect end judicial review as we have known it and would seriously weaken the division of powers; is that not correct?

Mr. METCALF. The Senator is quite correct. The Senator has anticipated an argument I am about to make further on in my address, that adoption of either the Tuck or the Dirksen proposal would seriously hamper the separability of power which is a basic consideration in our form of government.

Mr. PROXMIRE. If the Senator intends to develop that point a little later let me revert to an earlier point he made—one which has not received sufficient stress and discussion on the floor; namely, the timing of the action by the Supreme Court, whether the Supreme Court has demanded precipitate, sudden, instant response on the part of State legislatures, whether it has required them to apportion in an unreasonably short time, or whether, in the judgment of the Senator from Montana, who has been a judge himself and has had the opportunity to study these cases carefully, the Supreme Court has allowed adequate time in such cases, so that the State legislature would have an opportunity to act, with the will to do so, without serious inconvenience.

Mr. METCALF. I most certainly do. I believe that is a special point. As was pointed out in one case, it was 50 years since there had been reapportionment, so that there was no precipitate action on the part of the Supreme Court.

Mr. PROXMIRE. In what case?

Mr. METCALF. Reynolds against Sims.

Mr. PROXMIRE. Reynolds against Sims.

Mr. METCALF. Certainly, no case comes to the U.S. Supreme Court, to a district court, or to a circuit court, without someone bringing in the case. There must be some underlying action before the case can even be brought into court. As I have pointed out from these decisions, the Court points out that each of the States must have its rights, its liabilities, and its duties allowed upon a State-by-State and a case-by-case basis. Here, we are asked to pass general legislation at a late date in the Congress, and without any hearings, which would prohibit any action by any courts; whereas the Court says that we should not act too precipitately. We do not require mathematical precision. We do not require daily, monthly, yearly, or even decennial reapportionment.

But we require that as much as practicable be accomplished, that there be a reapportionment, so that as a practical matter the one man, one vote principle would be applied to State legislatures.

Mr. PROXMIRE. What the Court has tried to do is to apply this principle on an individual basis, depending on the merits of each case, and examining the merits carefully. The Court has tried to lay down rules of flexibility so that each State can adopt its own procedure in accordance with its own particular and peculiar problems—historical problems, and so forth. It is in a position to do that individually because of the nature of the judicial system. But Congress would substitute a blanket order which, in the case of Michigan, Wisconsin, and many other States, could result in a chaotic situation.

Mr. METCALF. I believe that is true in the case of Illinois.

Mr. PROXMIRE. Yes. Whereas, Congress might provide a remedy in one or two other States, the Supreme Court is trying to study each case individually and decide it on a fundamental basis as it decided the Reynolds against Sims case, as to how the various States can comply with that order and do it most conveniently and most appropriately, but eventually.

Mr. METCALF. That is correct. It decided it on the basic facts that are presented to the district court in adversary procedure for that purpose. It

[1] The court below suggested that population-variance ratios smaller than 1½ to 1 would presumably comport with minimal constitutional requisites, while ratios in excess thereof would necessarily involve deviations from population-based apportionment too extreme to be constitutionally sustainable. See 215 F. Supp., at 190.

admonished each of the district courts that might hear the case that there is no hard-and-fast rule, that they must do the best practical thing under the circumstances. There is the real flexibility, the genuine flexibility that is in the Supreme Court decision, rather than the rigidity of the amendment, which states, in effect, "You shall cease the hearing of all cases until 1966."

Mr. PROXMIRE. I thank the Senator.

Mr. METCALF. I spoke about the right of the individual to have his vote count for as much as the vote of any other individual. I stated that the vote was a basic, individual, constitutional right.

In Reynolds against Sims, the Court stated:

> We hold that, as a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for State legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State.

And later the Court said:

> Congress simply lacks the constitutional power to insulate States from attack with respect to alleged deprivations of individual constitutional rights.

I enumerate these cases and emphasize the fact that we are talking about what the Court has said in all the cases about the basic, individual, constitutional right. I seek to differentiate what was done in the 85th Congress when a group—some of the same group who are opposing this amendment and the minority and the majority leader—now the President of the United States—and others made a strong fight to prevent Congress from overruling the Supreme Court in cases where no basic, constitutional right was involved. It involved merely a case of statutory interpretation or construction of legislative language, or the definition of a crime. That is a thing on which the Court frequently conflicts with the legislature, and the legislature in turn says, "This is what we meant. This is what our real interpretation is."

Then, once the legislature has spoken, the Court continues and follows through with the construction of the language, as the amended bill provides.

But we are dealing here with a basic, individual, constitutional right. We are not dealing with the definition of a crime, the construction of statutory language, or the interpretation of the Constitution. We are dealing with something that goes further back than that. We are dealing with something that is as substantial as the right of a trial by jury or the right of freedom of speech.

I think of an analogy. Suppose we were to say that the right of women to vote interferes with the election of some of our officers, and someone suggests the introduction of a constitutional amendment in the next Congress, but that until then we should pass a law that women would not have the right to vote. That would be a clear violation of the 19th amendment. Of course, we could not do that. Suppose we were to say that because of the unfortunate situation in Mississippi, Alabama, and Georgia, we are convinced that the people in Mississippi, Alabama, and Georgia do not have a fair jury trial, and until the civil rights situation has cleared up, for a couple of years, we would set aside the right of trial by jury in that situation, and there would be no more jury trials.

Clearly, such an act would be unconstitutional, whether we were to do it for a day, a week, or as the Tuck bill provides, set aside a constitutional right forever. That is the difference between what happened in the 85th Congress and what is being attempted here today.

Mr. PROXMIRE. Is it not true that, pursuing the same analogies that the Senator from Montana did, Congress might in a time of national emergency and hysteria suspend the right of free speech, the right of worship, which are the most fundamental rights that have been written into the first amendment of the Constitution, which, in the judgment of many Americans, distinguishes this country as the bastion of liberty more than any other phase of our entire Government? The right of an equal vote in the State legislature is just as fundamental in principle on the basis of the Supreme Court decision as any of the other rights which the people of America have been willing to fight and die for.

Mr. METCALF. We could paraphrase the Dirksen amendment and say, "Instead of the one-man, one-vote suspension and instead of saying that no court can have jurisdiction to entertain any case brought under the provisions of the Bill of Rights, we will suspend the entire Bill of Rights until 1966," or, as the Tuck bill provides, suspend it forever. We are now talking about constitutional rights. This is not a statutory decision. This is not construction of language. This is not a tempering of words. The Court has held in the cases that I have already enumerated, and that I shall read later, that this is a basic, individual, constitutional right.

Mr. PROXMIRE. The distinguished Senator from Montana is making a highly significant speech. I hope that our colleagues will have an opportunity to study it in the RECORD. This issue goes to the very heart of our objections to the Dirksen amendment.

Some of us feel very deeply about one man, one vote. Some of us feel very strongly about the inequity this proposal would work against many of our urban citizens. And, while that is very important, it seems to me that it is not in the same class as an objection as the fundamental principle that the Senator from Montana is stressing now, that our very constitutional rights are threatened if we agree to the Dirksen amendment, which seeks to abridge, postpone, or destroy a ruling of the Supreme Court by an act of Congress.

I believe that the Senator from Montana is presenting this argument in an unanswerable way. I have not heard a single word of argument to refute what the Senator has said so far.

It would be very interesting if those who support the Dirksen amendment could find any way to meet that argument. They have talked about inconvenience to State legislatures. They have talked about an analogy with the U.S. Senate. They have talked about how the farm groups and rural groups need greater representation. I have studied the CONGRESSIONAL RECORD very carefully, as has the Senator from Montana. Proponents of the Dirksen amendment have not begun to answer the fundamental issue which is at stake, namely, Shall the Supreme Court be in a position to protect and affirm constitutional rights, or shall it not? That is the question which is at stake. The Senator from Montana is making the most significant speech on this subject to date.

Mr. METCALF. I thank the Senator from Wisconsin for his remarks. He has pointed out that this is the most dangerous constitutional crisis that our Nation has ever faced, because if Congress can set aside a basic constitutional right such as one-man, one-vote has been declared to be, Congress can set aside any other part of the Constitution, and we would see the end of our constitutional form of government. It alarms me and concerns me that so many Senators who continually talk about the Constitution and about constitutional government have signed the cloture motion, have spoken in defense of the postponement of constitutional rights, and have wished to repeal decision after decision, going back to the great decision of Chief Justice Marshall in Marbury against Madison.

In Davis against Mann, a case coming to the U.S. Supreme Court from Virginia, the majority opinion summarized the holding of Reynolds against Sims as follows:

> In *Reynolds* v. *Sims*, decided also this date, we held that the equal-protection clause requires that seats in both houses of a bicameral State legislature must be apportioned substantially on a population basis. Neither of the houses of the Virginia General Assembly, under the 1962 statutory provisions here attacked, is apportioned sufficiently on a population basis to be constitutionally sustainable.

In Lucas against The Forty-fourth General Assembly of the State of Colorado, the question was on the apportionment of the Colorado State senate as approved by a majority vote of the electorate of Colorado in a referendum submitted for that purpose. The Court examined the apportionment provided and concluded:

> That the fact that a challenged legislative apportionment plan was approved by the electorate is without Federal constitutional significance, if the scheme adopted fails to satisfy the basic requirements of the equal-protection clause.

The Court said:

> Apportionment of senate seats * * * clearly involves departures from population-based representation too extreme to be constitutionally permissible.

In WMCA against Lomenzo, a New York case, the Court said:

> Neither house of the New York Legislature, under the State constitutional formulas and the implementing statutory provisions here attacked, is presently or, when reapportioned on the basis of 1960 census figures, will be apportioned sufficiently on a population basis to be constitutionally sustainable.

So here we are dealing with a vastly different proposition than that which confronted us in the 85th Congress. Here is a constitutional right which the proposed amendment will set aside or temporarily stay for a period, as I have discussed in the colloquy just held with the Senator from Wisconsin [Mr. PROXMIRE].

If there is one thing that Marbury against Madison decided it is that the legislative branch cannot destroy the individual constitutional rights of citizens. This proposition is basic in the law and is the foundation for the declaration in Wesberry against Saners that "laws which debase a citizen's right to vote" come under this power. Not only is it hornbook law that the Supreme Court is the constitutional guardian against congressional encroachments upon the constitutional rights of the citizen, but it is equally as well established that Federal rights under the U.S. Constitution may be protected from violation by acts of the States. This has been statutory law since the original Judiciary Act in the First Congress. It is basic case law since Marbury against Madison. This is the holding in the landmark cases of *Fletcher* v. *Peck* (6 Cr. 807), and *McCullough* v. *Maryland* (4 Wh. 316). One of the functions of the U.S. Supreme Court is to pass on the constitutionality of State laws and the Constitution itself establishes the U.S. Supreme Court as the final tribunal for constitutional adjudication. For example, in *Cooper* v. *Aaron* (358 U.S. 1, (1958)), which was a case involving interposition, the Court said that Marbury against Madison had laid down the duty "to say what the law is" and then continued:

> This decision declared the basic principle that the Federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the country as a permanent and indispensable feature of our constitutional system.

In *Martin* v. *Hunter's Lessee* (1 Wheaton, 304 (1816)), the State of Virginia had confiscated land grants relying on a statute prohibiting aliens from inheriting real property.

In 1813, the Supreme Court ruled against Virginia's action but the State's court of appeals held that section 25 of the Judiciary Act of 1789 was unconstitutional and refused to obey the mandate. Section 25 of the Judiciary Act authorized the Supreme Court to review any State court decisions that challenged the validity of Federal authority.

The case was again brought before the Supreme Court in 1816, and Justice Story logically, learnedly, and thoroughly delivered a telling blow to the compact theory and sustained the theory of the basic constitutional right. He held that the Supreme Court review of State laws is necessary to maintain uniformity of decisions throughout the whole United States. I quote from the decision in the case of *Martin* v. *Hunter's Lessee* (1 Wheaton U.S. 304):

> The third article of the Constitution is that which must principally attract our attention. * * * The language of the article throughout is manifestly designed to be mandatory upon the legislature. Its obligatory force is so imperative that Congress could not without violation of its duty, have refused to carry it into operation. The judicial power of the United States shall be vested [not may be vested] in one supreme court and such inferior courts as Congress may, from time to time ordain and establish.
>
> If then, it is a duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language, if imperative as to one part, is imperative as to all. If it were otherwise, this anomaly would exist: That Congress might successively refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution, and thereby defeat the jurisdiction as to all; for the Constitution has not singled out any class on which Congress is bound to act in preference to others.

We are suspending for a period or taking away from the citizen a basic constitutional right guaranteed by the Federal Constitution.

Up to now I have outlined some of the methods by which Congress has sought to control the Supreme Court. In the 85th Congress the general preemption proposal, the modification of the loyalty and passport statutes were legislative means of control that did not touch the Constitution. Similarly back in the famous so-called Court-packing plan of the New Deal, the proposal was not to suspend constitutional rights and privileges but to expand the Supreme Court in the hope that newly appointed judges would reverse the previous decisions of the Court.

Another technique that has been adopted is to take away the remedy from the citizen so that it is admitted that he has a basic right but no remedy to enforce that right. It is contended that this is what is being done in this case. I have been unable to satisfy myself as to whether or not the requirement of due process with respect to judicial review of constitutional questions means that such review by the Federal courts, but our concept of Federal supremacy dating from Marbury against Madison and reiterated in cases whose numbers are legion would seem to argue that it does.

The pending amendment is directed to any Federal court. It would leave to the State and local courts the enforcement of Federal constitutional rights of individuals. In *Bush* v. *Orleans School Board* (D.C., La.), 188 F. Supp. 916, 924–925 (1940), affirmed, 365 U.S. 569, the Court quoted from "Warren's Supreme Court in U.S. History," volume 1, pages 27–28, 1923 edition, as follows:

> Changes * * * restricting the appellate jurisdiction of the Court * * * would result in leaving final decision of vastly important national questions in the State or inferior Federal courts, and would effect a disastrous lack of uniformity in the construction of the Constitution so that fundamental rights might vary in different parts of the country.

The question here, then, is whether or not the Congress can suspend jurisdiction of the Federal courts over legislative apportionment which has been held to involve a basic constitutional right. In removing the remedy and directing a legislative act suspending the jurisdiction of "any court" to exercise either original jurisdiction or review of a question concerning the violation of the Constitution of the United States, does not Congress exceed its constitutional power?

The existing statutes relating to original jurisdiction that would be amended by implication by the Dirksen-Mansfield rider are:

> SEC. 1331. FEDERAL QUESTION; AMOUNT IN CONTROVERSY; COSTS.—
>
> (a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $10,000 exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.
>
> (b) Except when express provision therefor is otherwise made in a statute of the United States, where the plaintiff is finally adjudged to be entitled to recover less than the sum or value of $10,000, computed without regard to any setoff or counterclaim to which the defendant may be entitled, and exclusive of interests and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff. (June 25, 1948, ch. 646, 62 Stat. 930; July 25, 1958, Public Law 85–554, sec. 1, 72 Stat. 415.)
>
> SEC. 1343. CIVIL RIGHTS AND ELECTIVE FRANCHISE.—
>
> The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:
>
> (1) To recover damages for injury to his person or property, or because of the deprivation of any right of privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of title 42;
>
> (2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of title 42 which he had knowledge were about to occur and power to prevent;
>
> (3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;
>
> (4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote. (June 25, 1948, ch. 646, 62 Stat. 932; Sept. 3, 1954, ch. 1263, sec. 42, 68 Stat. 1241; Sept. 9, 1957, Public Law 85–315, pt. III, sec. 121, 71 Stat. 637.)
>
> SEC. 2281. INJUNCTION AGAINST ENFORCEMENT OF STATE STATUTE; THREE-JUDGE COURT REQUIRED.—
>
> An interlocutory or permanent injunction restraining the enforcement, operation, or execution of any State statute by restraining the action of any officer of such State in the enforcement or execution of such statute or of an order made by an administrative board or commission acting under State statutes, shall not be granted by any district court or judge thereof upon the ground of the unconstitutionality of such statute unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title. (June 25, 1948, ch. 646, 62 Stat. 968.)
>
> SEC. 1983. CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—
>
> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R.S. sec. 1979.)

SEC. 1988. PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. (R.S. sec. 722.)

In addition this would affect the various provisions of the Civil Rights Act of 1964, Public Law 88–352.

Some of the statutes relating to appellate procedure and review that would be altered and amended by implication by the adoption of the Dirksen-Mansfield rider are:

SEC. 1253. DIRECT APPEALS FROM DECISIONS OF THREE-JUDGE COURTS.—

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice of hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges. (June 25, 1948, ch. 646, 62 Stat. 928.)

SEC. 1254. COURTS OF APPEALS; CERTIORARI; APPEAL; CERTIFIED QUESTIONS.—

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

* * * * *

(2) By appeal by a party relying on a State statute held by a court of appeals to be invalid as repugnant to the Constitution, treaties or laws of the United States, but such appeal shall preclude review by writ of certiorari at the instance of such appellant, and the review on appeal shall be restricted to the Federal questions presented.

SEC. 1257. STATE COURTS; APPEAL; CERTIORARI.—

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

* * * * *

(2) By appeal, where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties or laws or the United States, and the decision is in favor of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States. (June 25, 1948, ch. 646, 62 Stat. 929.)

SEC. 1441. ACTIONS REMOVABLE GENERALLY.—

* * * * *

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

SEC. 1984. SAME; REVIEW OF PROCEEDINGS.—

All cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court. (Mar. 1, 1875. ch. 114, sec. 5, 18 Stat. 337.)

Article III of the U.S. Constitution gives to Congress authority over the inferior Federal courts. The article is as follows:

SECTION 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time obtain and establish. * * *

SEC. 2. The judicial power shall extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States. * * *

Congress has changed the jurisdiction of the inferior courts from time to time. For example, in 1801 in the words of the Constitution, Congress granted the inferior Federal courts jurisdiction of "all cases in law and equity, arising under the Constitution and the laws of the United States." The next session of Congress withdrew this broad grant of power. In 1875 the Federal "inferior" courts were given jurisdiction over cases where the amount in controversy was $500 or more, in 1887 this was increased to $2,000, in 1911 to $3,000, and in 1958 to $10,000. But this is not a case for the enforcement of a right to collect $500 or $2,000 or $10,000 in a damage suit. This is a question of enforcement of a constitutional right.

As for review, the Congress has almost always granted review to the U.S. Supreme Court from decisions of the district court.

The power granted to the judiciary in article III of the Constitution is not self-enacting insofar as the inferior courts are concerned. In 1793 Justice Iredell in *Chisholm* v. *Georgia* (2 Dall 419, 423) said:

I conceive that all courts of the United States must receive, not merely their organization as to the number of judges of which they are to consist; but all their authority, as to the matter of their proceeding from the legislature only.

In 1789 Congress forbade diversity of citizenship suits on promissory notes, and this was sustained as a valid power of Congress:

The judicial power [except in a few specified instances] belongs to Congress.

In Bank of the United States against Deveau, the Supreme Court said that a right to sue does not imply a right to sue in Federal Court unless such power is expressly granted by an act of Congress.

In *Stuart* v. *Laird* (1 Cr. 799 (1803)), the Supreme Court affirmed the power of Congress to remove a suit from one circuit to another. In *U.S.* v. *Hudson and Goodwin* (7 Cr. 32, 33)), the Court said:

The power which Congress possess to create Courts of inferior jurisdiction, necessarily implies the power to limit the jurisdiction of those Courts to particular objects.

In *Sheldon* v. *Still* (8 How. 441, 448–449 (1850)), the question was the jurisdiction of the circuit court, Mr. Justice Grier said:

The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently, the statute which does prescribe the limits of their jurisdiction, cannot be in conflict with the Constitution, unless it confers powers not enumerated therein.

The Court concluded:

Having a right to prescribe, Congress may withhold from any Court of its creation jurisdiction of any of the enumerated controversies.

Such were the early cases. They have been cited over and over again as sustaining the power of Congress to withdraw from the "inferior" Federal courts original jurisdiction to adjudicate certain categories of cases.

But these cases deal with statutory rights and with the existence of remedies. The cases do not deal with judicial review. They do not raise constitutional questions. In a very cursory survey in the time at hand, I have found but one case which did specifically treat the constitutional question. This was *Mayor of Nashville* v. *Cooper* (6 Wall. 247, 251–2 (1868)). In that case the Court—Justice Swayne—prefaced its decision with the usual and familiar rule:

This Court has the power to declare an act of Congress to be repugnant to the Constitution, and therefore invalid. But the duty is one of great delicacy, and only to be performed where the repugnancy is clear, and the conflict irreconcilable. Every doubt is to be resolved in favor of the constitutionality of the law.

The circuit court decision, according to Justice Swayne's opinion, proceeded "entirely upon the grounds of constitutional invalidity." Therefore, it is appropriate to take into consideration the discussion that this case made of the question even though the actual decision was on another issue. Here are some quotations from the decision:

The Constitution provides, that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish," and that this power "shall extend to all cases, in law and equity, arising under this Constitution and the laws of the United States."

The power here under consideration is given in general terms. No limitation is imposed. The broadest language is used. "All cases" so arising are embraced. None are excluded. How jurisdiction shall be acquired by the inferior courts, whether it shall be original or appellate, or original in part and appellate in part, and the manner of procedure in its exercise after it has been acquired, are not prescribed.

Later:

As regards all courts of the United States inferior to this tribunal, two things are necessary to create jurisdiction, whether original or appellate. The Constitution must

have given the Court the power to take it, and an act of Congress must have supplied it. There concurrence is necessary to vest it. It is the duty of Congress to act for that purpose up to the limits of the granted power. They may fall short but cannot exceed it. To the extent that such action is not taken, the power lies dormant.

As to leaving the Federal constitutional question to be determined by the State courts, the Court had this to say:

It is the right and the duty of the national government to have its Constitution and laws interpreted by its own judicial tribunals. * * * The courts of the several States might determine the same questions in different ways. There would be no uniformity of decisions.

It would appear that these early cases have uniformly held that all jurisdiction may be removed from the inferior courts, that jurisdiction must be specifically granted and if not granted lies dormant.

The general authority in the Supreme Court to review constitutional questions in the absence of statute granting such an authority is more doubtful. In *Chisholm* v. *Georgia* (2 Dall. 419, 423 (1793)), Justice Iredell held:

I conceive that all the courts of the United States must receive not merely their organization as to the number of judges of which they are to consist; but all their authority, as to manner of their proceeding, from the legislature only.

In another discussion of this question I will review in detail some of the early cases, both on the authority of the inferior Federal courts and on the imposition of the power in Congress to delimit appellate review and withhold and withdraw jurisdiction from the Federal courts.

Suffice to say at this time that the most celebrated case is *Ex Parte McCardle* (6 Wall. 318 (1868); 7 Wall. 506 (1869)). McCardle was arrested by the military authorities under the provision of the Reconstruction Acts. He filed a petition for a writ of habeas corpus alleging unlawful restraint and challenging the validity of the acts. After a hearing in the Federal circuit for southern Mississippi, McCardle was remanded to the custody of the military. He appealed to the U.S. Supreme Court under the provisions of the statute—14 Stat. 386. Before the Supreme Court could act, Congress enacted new legislation—15 Stat. 44—withdrawing appellate jurisdiction from the Court on "appeals which have been or may hereafter be taken." The Supreme Court said:

Without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause.

It should be noted, however, that the statute is strictly interpreted and it is only an appeal to the Supreme Court that was taken away. There still remained a right to appeal to the circuit courts in habeas corpus proceedings.

It is this strict construction and the actual fact that McCardle was very narrowly limited that has permitted scholars to suggest that McCardle is not authority for full and complete power over the appellate jurisdiction of the Federal courts.

There are cases under the due-process doctrine that seem to indicate that Congress cannot prevent a test of the constitutionality of a statute, see for example, *United States* v. *Carolene Products Co.* (304 U.S. 144 (1938)):

We may assume for present purposes that no pronouncement of a legislature can forestall attack upon the constitutionality of the prohibition which it enacts * * * a statute would deny due process which precluded the disproof in judicial proceedings of all facts which would show or tend to show that a statute depriving the suitor of life, liberty or property had a rational basis.

The same is true of the supremacy doctrine for instance in *St. Joseph Stock Yards Co.* v. *U.S.* (298 U.S. 38), Justice Brandeis commented:

The supremacy of law demands that there shall be an opportunity to have some court decide whether an erroneous rule of law was applied; and whether the proceeding in which facts were adjudicated were conducted regularly. To that extent, the person asserting a right, whatever its source, should be entitled to the independent judgment of a court on the ultimate questions of constitutionality.

If the Dirksen amendment, or the even more restrictive Tuck bill, is enacted there will be withdrawal and withholding from the inferior and the appellate courts of any power of enforcement of an individual constitutional right. No Congress has gone so far, no court has yet been confronted with so far reaching a proposition as this one that directs "any court" to withhold enforcement. I have grave doubts that the legislative branch of Government can so completely dominate the judicial branch in a constitutional question. In a future speech I will analyze the different cases and attempt to demonstrate that suspending both original and appellate jurisdiction over State apportionment cases is violative of the due-process clause of the fifth amendment.

But even if it is conceded that the Congress has a right to withhold, to suspend, and to withdraw individual constitutional rights, it is wrong in principle.

A basic doctrine of our American Government is that of separation of powers. The three departments of Government "should be kept completely independent of the others, so that the acts of each shall not be controlled by, or subjected to, directly or indirectly, the coercive influence of neither of the others—*Humphrey* v. *U.S.* (295 U.S. 602).

Ours is a government of law. Judge John J. Parker, in an eloquent article in the American Bar Association Journal, volume XXXVI, page 523, 1950, said:

Society, whether a free society or not, is not a mere aggregation of individuals. It is an organism. The law is the life principle of that organism.

This respect for law is basic to us. If we can overturn the fundamental law of the Constitution by taking away or withholding a man's constitutional right to having a vote equal to that of other men, then we can take other constitutional rights away in the same manner. There are those that complain that murders and assaults in Mississippi are not being punished because of the difficulty of getting convictions by a jury. But shall we take away the right to indictment and jury trial? Such a right would be endangered if we embark on this first step. The freedoms of the press and of speech, and of religion can be taken away in the same manner and the Bill of Rights set aside, as I suggested previously to the Senator from Wisconsin, and the entire Bill of Rights could be set aside.

Prof. Bernard Schwarz, a student of the French political system pointed out:

The French experience shows that a constitution which cannot be judicially enforced contains but empty words. It is judicial review which ensures that the American Constitution is not violated and gives that instrument its practical meaning. It is the failure of the French courts to assert a review power over the constitutionality of acts of the legislature that has made the various constitutions in France mere paper instruments.

In Russia, Vyshinky once said:

From top to bottom the Soviet social order is penetrated by the single general spirit of the oneness of the authority of the toiler. The program of the All-Union Communist Party (of Bolsheviks) rejects the bourgeois principle of separation of powers.

Madison, writing in the Federalist, said:

[I]t may clearly be inferred that, in saying, "There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates," or, "if the power of judging be not separated from the legislative and executive powers," he [Montesquieu] did not mean that these departments ought to have no partial agency in, or no control over, the acts of each other. His meaning, as his own words import, and still more conclusively as illustrated by the example in his eye, can amount to no more than this, that where the whole power of one department is exercised by the same hands which possess the whole power of another department, the fundamental principles of a free constitution are subverted.

The contest between the three departments in National, State, and local governments still goes on from day to day with varying results, but with all of the skirmishes, sometimes none too edifying, the goal remains constant—a government of law rather than of official will or whim. This goal can only be attained by a government of limited powers distributed both vertically and horizontally, as a glance at the dictatorships of today and yesterday will demonstrate to all who are willing to learn from the experience of others.

These views are in marked contrast to those of the Founding Fathers. Washington, in his Farewell Address, warned:

The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.

John Adams reasoned:

It is by balancing each of these three powers against the other two, that the efforts in human nature toward tyranny can alone be checked and restrained, and any degree of freedom preserved in the Constitution.

Jefferson was of the same mind:

The concentrating of these in the same hand is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands and not by a single one; 173 despots would surely be as oppressive as 1.

Madison was equally emphatic:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of "tyranny."

No concept of government has been so unanimously accepted by all the statesmen whose genius brought into being the American Nation as has the doctrine of the separation of governmental powers.

I am convinced that the Dirksen amendment is wrong, it is wrong in the spirit of the Constitution, it is wrong in the principle of the separation of powers, it is wrong in the doctrine of the supremacy of the law. It should be rejected.

SENATOR METCALF'S GREAT SPEECH ON LEGISLATIVE APPORTIONMENT

Mr. McGOVERN. Mr. President, one of the great speeches of this Congress was delivered today by the thoughtful junior Senator from Montana [Mr. METCALF]. Senator METCALF, a distinguished jurist in his own right, has carefully traced the mistaken notions on which the Dirksen apportionment amendment is based. He has made perfectly clear that the Dirksen proposal would create a dangerous precedent under which Congress could prevent the courts from protecting basic American constitutional rights. In this case, the equality of individual voting rights for all citizens is threatened. But, as Senator METCALF has warned, if Congress can prevent the courts from protecting a single right of a citizen, Congress could use that precedent to set aside the entire Bill of Rights.

The Dirksen amendment is a dagger aimed at the heart of our constitutional system, and especially at the integrity and authority of the Supreme Court.

I trust that every Member of Congress will read the carefully drafted, compelling speech made this afternoon by Senator METCALF. While I was presiding over the Senate, I had the privilege of hearing a portion of the speech; and I intend to read the entire speech carefully when it is printed in the CONGRESSIONAL RECORD.

MEMORIAL TRIBUTE TO LATE SPEAKER SAM RAYBURN BY JAMES A. FARLEY

Mr. RANDOLPH. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Washington [Mr. MAGNUSON] with the understanding that I shall retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I thank the Senator from West Virginia.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorial tribute to the late Speaker of the House of Representatives, Hon. Sam Rayburn, delivered by Hon. James A. Farley at the Democratic National Convention at Atlantic City, N.J., August 27, 1964. It is an intelligent analysis of the great career of the Speaker of the House of Representatives.

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

MEMORIAL TRIBUTE TO THE LATE SPEAKER OF THE HOUSE OF REPRESENTATIVES, SAM RAYBURN, DELIVERED BY THE HONORABLE JAMES A. FARLEY AT THE DEMOCRATIC NATIONAL CONVENTION IN ATLANTIC CITY, N.J., AUGUST 27, 1964

Speaker McCORMACK, Senator HARTKE, members of the clergy, ladies, and gentlemen of the convention, and my friends, the Congress of the United States is the mighty structure of American liberty. Neither our country nor any other country—neither the American people nor any other people—can call themselves free—unless there is an open legislative parliament where the will of the people can be enacted into law. Indeed, the Congress of the United States is literally freedom in action.

In this 20th century, two great men prided themselves on being "men of the House"—Sir Winston Churchill and Speaker Sam Rayburn. Their accomplishments are such that the 20th century's histories of their countries—and the laws they sponsored—are almost biographies of their lives. In his various capacities Speaker Sam Rayburn caused to be enacted into law more than 100 pieces of legislation. Today, they are the guidelines of every American's daily life. They range from rural electrification and collective bargaining to securities regulations and social security.

These laws, I know, he believed to be both his life work and his monument. No one of them has been repealed. On the contrary, every one of them has been expanded. Since both major parties have embraced their principles in their platforms they are now the dynamic force in the expanding American way of life.

Speaker Sam Rayburn believed—as Pericles and Sir Winston Churchill—that the only victory is in persuasion. And no man in its long history has carried more weight of persuasion in the Congress. When he spoke, Members of the House not only heard—they listened. They listened not because he aroused them with dramatic oratory, not because he soothed them with his mellow voice, not even because he compelled them with his flawless logic. They followed him because they trusted him. They accepted his leadership because he moved them as a sincere and knowledgeable captain of soundest judgment—an exalted and yet practical man—who truly knew whereof he spoke—and spoke only whereof he knew. The breadth of his vision was matched by the depth of his integrity. He was a Texan, and in the Texas tradition his word was his bond.

I have mentioned the more than 100 basic laws because I know that it is for them he would like you to remember him. And so I ask you to recall that in large part:

Because of Sam Rayburn the hard earned savings of the American people are no longer the subject of heartless market manipulation. They are guarded by a Securities and Exchange Commission.

Because of Sam Rayburn, the small deposits of the tens of millions of American working people are no longer in danger of any bank failure. They are protected by the insurance of the U.S. Government.

Because of Sam Rayburn and the late great Senator Wagner, an individual American need no longer stand helpless in the marketplace, forced to sell his labor as a commodity. He has the protection of collective bargaining. Because of Sam Rayburn there has been incorporated into the laws of this land the Fourth Commandment of the laws of God: "Honor thy father and thy mother, that thy days may be long upon the land." No longer does our Nation turn its back on the men and women who are too old to work. Social security protects their ego and their self-respect. This is not only a matter of the Nation's laws—but because of Speaker Sam Rayburn it is now a part of the Nation's conscience.

Here I cannot refrain from stating that I have known three generations of great Americans from Texas. I know that if Speaker Sam Rayburn were here tonight he would unhesitatingly say that much of what he accomplished he owed to his great teacher, Speaker of the House, Vice President of the United States John Nance Garner who brought him up in the ways of the Congress.

And, presumptious as it may seem, I most earnestly believe that the President of the United States would be the first to say that for much of his effectiveness he is indebted to the instruction and advice of Speaker Sam Rayburn. As a Democrat and an American I am thankful to God the President of the United States is the representative of that tradition because of the precepts of Speaker Sam Rayburn, the Nation and the world could not be in more knowledgeable, more courageous, nor more honorable hands.

There is one single act of legislation, however, which to me especially hallows the name of Speaker Sam Rayburn. Because of his tremendous efforts it is the law of our land that children may no longer be compelled to spend the precious hours of childhood at hard work. No longer are little girls in the mills and little boys in the mines part of our national economy. Because of Sam Rayburn they have been elevated to their proper place—the single great asset of our national treasury.

By his generalship in the House, Speaker Sam Rayburn wrote the emancipation proclamation for American childhood—a law which in my opinion gave more freedom to more children—boys and girls—without regard to race, creed, or color, than any document in recorded history.

"Suffer little children to come unto Me," said our Maker—and if this be the mightiest law of all—it is upon it that I commend my old friend to you—the American people—and to God—your faithful servant, Mr. Sam of Texas.

SITE FOR CONSTRUCTION OF SEA LEVEL CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

Mr. MAGNUSON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2701.

The PRESIDING OFFICER (Mr. McGOVERN in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2701) to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans, which were, on page 1, line 4, strike out "seven" and insert "five"; on page 1, line 4, strike out all after "men" down through and including "Commission" in line 6, and insert "from private life"; on page 2, strike out lines 13 through 17, inclusive, and insert:

SEC. 3. The Commission shall report to the President for transmittal to Congress on

July 31, 1965, with respect to its progress, and each year thereafter until the completion of its duties. The President shall submit such recommendations to the Congress as he deems advisable. The Commission shall continue until the President determines that its duties are completed, but not later than June 30, 1968.

And on page 2, line 20, strike out "Act." and insert "Act, not to exceed $17,500,000.".

Mr. MAGNUSON. Mr. President, S. 2701, which was originally introduced by me, finally turned out to be a bill agreed to by all members of the Committee on Commerce. Therefore, it can be called a committee bill. It provides for an investigation and study to determine a site for the construction of a sea level canal to connect the Atlantic and Pacific Oceans. The bill was introduced on March 26, 1964.

The bill was unanimously approved by the Committee on Commerce after extensive hearings had been held on several similar legislative proposals. The Senate passed the bill without amendment on March 30. The measure has now been considered and passed by the House with several minor amendments. I find the amendments acceptable, and I am advised by the distinguished senior Senator from New Hampshire [Mr. COTTON], the ranking minority member of the Commerce Committee, who played an important role in the passage of the bill, and who also introduced a bill in January on this subject, that he has no objection to accepting the amendments of the House. I have discussed the amendments with other members of the committee, and they have no objection.

The legislation is of great importance to our national defense and our foreign commerce. The physical inadequacy of the present Panama Canal requires that plans be made immediately for the construction of a new and wider canal, one which would permit the passage of larger ships and more rapid transit for all vessels.

The intricate and complex locks of the existing canal, which measure 1,000 feet in length and 110 feet in width, already preclude our modern aircraft carriers and many tankers and passenger liners from passage of the canal. Such a restriction on the free flow of commerce is of vital concern to the United States, when it is considered that 70 percent of the cargo tonnage now transiting the Panama Canal involves goods which either originate in or are destined to the United States.

A sea level canal would require far less maintenance than a lock-type canal and would prove less vulnerable to a nuclear attack. The transit time through a sea level canal would be only half that through the present water route, with a consequent reduction in shipping costs.

The bill passed by the Senate would authorize the President to appoint a commission to study a most suitable site for a sea level canal connecting the Atlantic and Pacific.

Several sites have been suggested as being engineeringly feasible. They include two sites in the Republic of Panama itself for a sea level canal, and one site in Nicaragua, which is a much older proposal and has been considered by the United States, Nicaragua, and other countries for many years.

In 1938, when the senior Senator from Washington was a Member of the House, the Committee on Naval Affairs appointed a subcommittee of which I was a member and the present President of the United States, then Representative Johnson, was a member. The subcommittee, in 1938, explored the possibility of the construction of a Nicaraguan canal, which, as Senators may recall, would include the use of a large lake and would connect with the Gulf of Mexico. In 1938, the Panama Canal was handling commercial traffic quite well. Along came World War II, and many of the proposals for the construction of a new canal were laid aside. Meanwhile, commercial shipping has increased in large volume.

Another site proposed, which would involve a shorter distance between the Atlantic and Pacific coasts, would be located at the Gulf of Tehuantepec in Mexico. This would be a more costly canal, but it would not only be a sea level canal, but would cut off a great number of miles for the passage of traffic.

Another site has been proposed, in Colombia. Only last December or January, President Johnson, who as a Member of the House was associated with me in the study of 1938, sent a mission to Colombia to discuss with the Colombian Government and its engineers the possibility of constructing a sea level canal through that country. So a number of sites are involved.

The Senate bill would authorize the President to appoint a Commission to study the most suitable site from all angles—economy, cost, engineering feasibility, time of transit, and also the question of treaties with the countries concerned. This project affects all the nations of the free world.

The House amendments to the Senate bill would authorize the President to appoint five rather than seven members to the Commission. They would require that the appointees all be selected from private life. The House bill adds provisions which direct the Commission to file an annual status report with Congress and require the Commission to complete its duties not later than June 30, 1968. The Senate bill directed the Commission to report to Congress by January 31, 1966.

Whereas the Senate bill placed no limit on authorized funds, the House bill places a ceiling of $17.5 million. It is understood that this limitation would permit a study of the two most likely sites, one in Panama and the second in Colombia.

It is my opinion that these amendments are generally constructive. I personally would have preferred giving the President broader authority to appoint members of the Commission from public as well as from private life, including Members of Congress; but I am certain that the President will be able to accomplish the purposes of the legislation with the inclusion of the House amendment.

I am hopeful that the Commission will reach a conclusion much earlier than June 30, 1968. Nothing in the bill requires the Commission to wait until that date.

I feel certain that the Secretary of State; the Secretary of the Army, under whose jurisdiction is the Corps of Engineers; and the Chairman of the Atomic Energy Commission, who are specifically included in the Senate bill, will be considered ex officio as members of the Commission, because they are the heads of the departments and agencies directly involved.

It is proposed that if and when a decision is made, following a proper study and the negotiation of proper treaties on a site for a sea level canal within the next 2, 3, or 4 years, or perhaps even earlier, we shall conduct a great experiment in the construction of the canal by the use of small nuclear explosions.

Mr. President, this would open up a whole new field of peaceful uses for atomic energy. It would open up a field for harbor development, canal development, dredging, and all kinds of programs which could do much to reshape parts of the world, and make them better for transportation and for the people living in the areas. It could open up an era in the Arctic and the Antarctic for the establishment of harbors which heretofore have been impossible because of ice conditions.

The Atomic Energy Commission and the Corps of Engineers will play a very important part in this program, as will the State Department, because we shall have to formulate treaties.

I wish it clearly understood—and I have discussed this question with all the members of my committee, with the House committee, with the Department of the Army, and the Chairman of the Atomic Energy Commission—that when this Commission of private members is appointed by the President the departments I have mentioned, as well as probably two or three Members of Congress from both committees, House and Senate, will be a part of the deliberations, because in the end we shall have to make the final decision anyway.

I am certain that the Secretary of State, the Secretary of the Army, and the Chairman of the Atomic Energy Commission, who were specifically included in the Senate bill, will be considered the same as ex officio members since they are the head of the departments and agencies most directly involved. I assume also that the chairmen of the Senate and House committees with jurisdiction over the Panama Canal and interoceanic canals generally will also be asked to advise in a similar capacity.

Mr. President, I ask unanimous consent to have printed in the RECORD an opening statement I made at the commencement of the hearings on this subject by the Senate Committee on Commerce.

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

The unfortunate crisis which exists between our Nation and the Government of Panama has brought into question once again

the sufficiency of the canal from a commercial as well as a strategic viewpoint.

With the passage of time the physical limitations of the Panama Canal are increasingly apparent. In 1910, when the canal first opened, traffic was light; on an average five ships transited per day. The canal now averages 30 transits per day, and by 1980 it is forecast—and this is a conservative forecast—that interoceanic traffic will exceed its capabilities. Thereafter ships will be required to wait in line for the privilege of passage, at great expense to shipowners and, ultimately, to consumers.

There are other physical limitations inherent in the present Panama Canal. Its intricate and complex locks, which measure 1,000 feet in length and 110 feet in width, already preclude our modern aircraft carriers, supertankers, and passenger liners from passage. That such restriction on the free flow of transisthmian commerce is of vital concern to us is apparent when we consider that 70 percent of cargo tonnage transiting the Panama Canal involves goods which either originate in, or are destined for, the United States.

This is very important, because it points up very dramatically our deep interest in this canal, a future canal, or other canals.

Fortunate we are that while the Panama Canal rapidly recedes into obsolescence, our technological advances in the use of atomic energy for peaceful purposes have provided us with a means, safe and relatively inexpensive, for the construction of a sea level canal possessing all the attendant advantages—strategic, diplomatic, and commercial—over its lock-type counterpart.

Obviously, a sea level canal would require far less maintenance than a lock-type canal, and, probably, it would prove less vulnerable to nuclear attack. It is significant, also, that the time of transit through a sea level canal would be reduced by approximately 50 percent, with consequent reduction in costs of shipping.

Nuclear excavation, it is estimated, would permit construction of a sea level canal in one-fifth of the time and at one-quarter the expense of excavation by conventional means. One of the major questions to be resolved, therefore, is whether or not any one of the several routes suggested for a new canal would lend itself to such nuclear excavation as may be permitted under the nuclear test ban treaty—which this committee will explore with proper witnesses.

This committee has jurisdiction over legislative matters pertaining to certain aspects of the Panama Canal and to interoceanic canals generally, and also jurisdiction over foreign commerce. The committee members have not lacked diligence in proposing legislation to expedite an immediate investigation into the need for a second transisthmian canal and a study to determine the most suitable site therefor and the most expeditious means of excavation. The two bills pending before the Senate and referred to this committee for our consideration, although generally similar in legislative purpose, differ substantially in the means of attaining the desired end.

Senator COTTON's bill, S. 2428, would authorize the President to appoint a Commission, including representatives of the Panama Canal Company, to make a study, with cost estimates, of means for increasing the capacity and security of the Panama Canal or the construction of a new canal to meet the future needs of interoceanic commerce and national defense.

S. 2428 is identical in many respects to proposed legislation submitted by the administration to the 87th Congress in 1962, with the following exception: Instead of directing the Panama Canal Company alone to make the study, it would empower the President to appoint a Commission, including representatives of the Company, to do so.

S. 2497, which I introduced, and which is cosponsored by Senators Pastore, Bartlett, Engle, Jackson, McGee, and Yarborough, and several other Senators who want to be cosponsors, would direct the Secretary of State, the Secretary of Defense, and the Atomic Energy Commission, acting jointly, to make an investigation and study to determine the best site for the construction of an interoceanic canal at sea level through the American isthmus and the best means to effect such construction. Pursuant to the terms of S. 2497, a final report to Congress would be required within 6 months.

Mr. COTTON. Mr. President, last January, when I first introduced proposed legislation calling for a study of the possible sites for a new sea level canal to replace the existing Panama Canal, our relations with the Republic of Panama were strained, almost to the breaking point, by a series of violent riots.

The immediate tensions now have eased somewhat and fevers are no longer at the boiling point. The problems of Panama and the Canal Zone can be viewed more objectively and more coolly. In this light, it has become very clear that the replacement of the existing Panama Canal with a modern, sea level waterway between the Atlantic and Pacific Oceans is inevitable, regardless of the future course of the American-Panamanian relations.

A new canal must be built because the present one is fast becoming saturated with traffic and will be inadequate to meet the demands of commerce within the next 15 or 20 years, if not sooner. Modern excavating techniques with nuclear explosions, if they can be used, would make a sea level canal possible and reasonable, and such a canal would eliminate the costly, time-consuming, and vulnerable system of locks required in the present canal.

A new canal will be a defense and a commercial necessity before too many years have passed. It may also prove to be the means for putting the relations between the United States and Panama on a firmer footing of mutual understanding and respect.

These important goals cannot be achieved overnight, and we must use the time available to us in the best way. That is why I regard it as important to complete the enactment of this proposed legislation at the current session of Congress, so that the study of the best site for a new canal can proceed without delay.

As Senators will recall, S. 2701 was unanimously reported from the Senate Commerce Committee as an original bill. It was based on S. 2428, which I introduced and on S. 2497, which was proposed by the Senator from Washington [Mr. MAGNUSON], and the Senator from Rhode Island [Mr. PASTORE].

The changes made in S. 2701 by the House of Representatives are matters of detail and in most respects, in my opinion, improve the legislation.

I hope that the Senate will approve the amendments of the House to the bill and send it on to the President.

Mr. MAGNUSON. Mr. President, I move the Senate accept the House amendments to S. 2701.

The motion was agreed to.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

The Senate resumed the consideration of the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

Mr. RANDOLPH. Mr. President, the Appalachian Regional Development Act of 1964 is the product of 4 years of concentrated study and planning by officials at the local, State, and Federal levels.

The origins of the bill go back to 1960, when the Governors of nine Appalachian States—more recently joined by the Governors of the States of Ohio and South Carolina—voluntarily formed a conference of Appalachian Governors.

After 3 years of intense study of regional problems during the past 2 years, under the chairmanship of Gov. W. W. Barron, of West Virginia, the Governors concluded that Federal participation was essential if we were to achieve comprehensive solutions to many of the most pervasive social and economic problems of this important area of the United States.

On April 9, 1963, President John F. Kennedy responded to the request of the Governors for Federal assistance by establishing the President's Appalachian Regional Commission.

He gave the responsibility for the direction of this Commission to the Under Secretary of Commerce, Hon. Franklin D. Roosevelt, Jr.

The Commission conducted a year-long study of the region, including two tours throughout the region and frequent consultations in the States and in Washington with representatives of all segments of the economic life of the region and with State and Federal officials.

On April 9, 1964, the Commission submitted its report to President Johnson containing detailed recommendations for a coordinated program of local, State, and Federal investment to develop the natural and human resources of the region. This report was the product of a cooperative effort of 13 Federal departments and agencies, and the States of Alabama, Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, Tennessee, Virginia, and West Virginia.

President Johnson responded to the report with his message to the Congress on April 29, 1964, accompanied by a draft bill.

The region comprises parts of 10 States and now all of the State of West Virginia. West Virginia, the State which I am in part representing, is the State which is entirely encompassed within the provisions of the bill.

Mr. President, when President Johnson, the Chief Executive of the United States, received this report, it was most carefully considered at the White House. The President himself responded to the report with his message to Congress on April 29, 1964, which was accompanied with a draft of an Appalachian Region Development Act of 1964.

This bill was introduced by the senior Senator from West Virginia on April 29,

1964. It was my belief—shared by others in this body, and within the Federal administration, as well as the States—that we should attempt to have as wide a representation of cosponsorship on the legislation as was feasible. I was joined in the introduction of the bill by 35 other Members of this body. I read the names of those Senators into the RECORD: BARTLETT, BAYH, BEALL, BREWSTER, BURDICK, BYRD of West Virginia, CLARK, COOPER, DODD, DOUGLAS, GRUENING, HART, HARTKE, HUMPHREY, INOUYE, JOHNSTON, KENNEDY, MAGNUSON, MCCARTHY, MCGOVERN, MCNAMARA, METCALF, MORSE, MORTON, MOSS, MUSKIE, NELSON, NEUBERGER, PASTORE, PELL, RIBICOFF, SCOTT, WALTERS, WILLIAMS of New Jersey, and YOUNG of Ohio.

The draft of the bill, to which I have made reference, S. 2782, was the subject of exhaustive hearings by the Committee on Public Works.

The draft bill was the subject of exhaustive hearings by the Committee on Public Works of this body. During every phase of legislative consideration of this measure from the time the bill was received from the administration, during the hearings, and during executive sessions on the measure, under the chairmanship of the able senior Senator from Michigan [Mr. MCNAMARA] those primarily responsible for guiding the legislation in the House and Senate maintained the closest liaison. I would also add that the distinguished ranking minority member of the Senate Committee on Public Works [Mr. COOPER] was kept advised of the actions of the majority at all points and was most helpful.

I believe it is important to state for the record that the very closest liaison was manifested between the members of the Committee on Public Works of the Senate and the members of the Committee on Public Works of the House. I sat in the House hearings in an attempt to keep current on the testimony and the varying viewpoints which were expressed by witnesses from certain sections and segments of our society.

Senator COOPER was most helpful and cooperative not only during the hearings, but also in the fashioning of a valid measure in the executive sessions of the committee.

It cannot be said, therefore, that this legislation is either hastily conceived or ill-considered. It was no so-called bright bureaucrat—a term which I heard recently—who brought this legislation into being in a bureaucratic Washington. This legislation came from the wellsprings of the thoughts, the yearnings, and the planning of the Governors and their representatives, and officials of local government. They were later joined by the Governors of the States of Ohio and South Carolina.

So, with all the vigor at my command, I say that this is no election-year, political patronage measure. This measure is presented in this body in the belief that it is a valid, constructive approach to at least a partial settlement of the problems of the Appalachian region.

Mr. President, I reemphasize that the proposed program has passed through every phase of local, State, and Federal screening. It embodies a truly regional conception of Federal, State, and local partnership. It is a practical, realistic, and, in my opinion, relatively modest effort to develop the resources of the Appalachian region and to compensate in some degree for the years of partial neglect in that troubled area—an area which is peopled by good men and women who desire a hand and not a handout. They are men and women who, with programs of the type which are included in the proposed effort, would bring about the development of the area.

What would be accomplished under the bill? The membership of the entire Congress has every right to expect us to spell out in a definitive manner exactly what is proposed.

MAJOR PROVISIONS OF THE ACT

The Appalachian Regional Development Act would establish an Appalachian Regional Commission composed of one Federal member or his alternate and the Governors of the 11 participating States or their representatives. The Commission will conduct studies and research and will recommend programs to the President and to State and local officials, but it will not be an operating agency and it will have no authority over any other agency of government. It is sheer nonsense, therefore, to refer to the Commission as a "new Federal octopus."

The opposition has charged that because all recommendations of the Commission must be made by affirmative vote of the majority of State members and the concurrence of the Federal representative, the act gives an unwarranted veto power to the Federal member. In reply, I would point out that section 222 of the act gives an absolute veto power to the Governor of any State over any program to be conducted within his State. I would also add that since the Commission is empowered not only to recommend the expenditure of substantial sums of Federal funds, but also enter into contracts obligating the Federal Government, it would be fiscally irresponsible on the part of the Federal Government not to require the affirmative vote of the Federal representative before such action could be taken.

What costs would be involved in the proposed legislation?

The Appalachian bill would authorize $1 billion, $77 million for a regional program of highway construction, the building of multicounty health and hospital facilities, vocational education facilities, water and sewage treatment works, pasture improvement, land reclamation of strip-mined areas, and timber development.

The bulk of the funds, $840 million, will be in Federal assistance to the States for the construction of a 2,350-mile network of development highways and 500 miles of local access roads, on the basis of 70 to 30 percent Federal-State participation.

The development highway system represents a new departure in the concept of roadbuilding in the United States, though we have for a number of years applied this concept to our economic assistance programs abroad. Heretofore, the construction and improvement of Federal-aid highways have been on the basis of cost-benefit ratios justified by present and projected traffic counts. The development roads, however, would be constructed on the basis of the economic potential of a particular area and would be designed to unlock, in degree at least, previously isolated regions and thereby create new economic activity.

The local access roads will be for the purpose of providing improved access to specific recreational, commercial, and industrial facilities and for such purposes as school consolidation and natural resource development.

In conjunction with the Interstate System, the development road network will provide States of the region with access to all of the surrounding population centers and will open many of our most attractive and scenic areas for increased recreational use by millions and millions of Americans who will come from teeming, congested metropolitan areas.

I might add that this program is in addition to the accelerated construction of timber development roads in the national forest, which will be part of the general increase in activity of the U.S. Department of Agriculture in the Appalachian region. This program will also enhance the recreational potential of the national forests of the region, as well as increase the harvesting of timber.

A second major feature is the authorization of $41 million for the construction of multicounty health and hospital facilities, of which the Federal Government will bear 80 percent of the cost of construction and 100 percent of the cost of operation for the first 3 years.

To illustrate the contribution which this phase of the program might make to West Virginia, for example, let me quote briefly from a letter I recently received from the Lions Club in Clay County, in my State. I hope that those Members of the Senate who are in the Chamber will carefully consider what this letter states and that Senators will read the RECORD:

> The Clay Lions Club is endeavoring to construct a diagnostic and treatment center here to meet a very urgent need. This county, with a population of 11,000, has only 1 doctor, a general practitioner past 80 years of age, and the nearest hospital facilities are 50 miles distant.
>
> While he continues valiantly, our doctor cannot be expected, at his age, to meet our medical needs for any great length of time, and we are unable to attract any younger doctor possessing the means to furnish his own facilities.

One county in the State of West Virginia in the Appalachian region, populated by 11,000 persons, has the services of only 1 doctor, a general practitioner, past age of 80.

Of course, I could not predict—that the needs of Clay County would be met under section 202, the medical facilities provision of the act. However, another section of the act, which would authorize $90 million to supplement existing grant-in-aid programs up to 80 percent, would enable the citizens of Clay County to avail themselves of more generous assistance under the Hill-Burton Act, if not under the special provisions of this act.

A third feature of the program—and one which has come under considerable fire from Members of Congress from the Midwestern States—is that which would provide for pasture improvement in Appalachia with a view toward increasing the production of feeder calves. This section would authorize $17 million for use by the Secretary of Agriculture in making 80-percent grants for the improvement of up to 25 acres of pasture land for each farmer. Other funds would be available for low-interest loans for the improvement of additional acreage and for technical assistance to the farmer.

It is estimated that there are more than 9 million acres of pasture land in Appalachia in need of improvement—not 10 years from now, not 5 years from now, but as soon as we can do the job.

Secretary of Agriculture Freeman has estimated that the average net return to the typical small farm from the feeder calf program would be in the range of $200 to $500 per farm.

This is not a big figure, but it is an important figure. I do not designate it as a grand sum of money, but for those farmers—and there are many marginal income farm families in the area—it could mean the difference between a son of that farm family finishing high school or dropping out. It could mean the difference between an elderly couple continuing their lives on the farm, or moving to the city and living on some form of public assistance.

I say that in the presence of the Senator from Michigan [Mr. McNamara], who is intensely interested in this area, although it does not encompass his own State, because he realizes that the strength of a region is the strength of the country and of all the States. If we can increase the income of these people, to a level above that of mere marginal subsistence, they will not have to rely on public assistance of one kind or another for their sustenance.

Studies by the U.S. Department of Agriculture, and independent studies by agriculturalists at West Virginia University, have indicated the feasibility of the pasture improvement program I have touched on this afternoon. It would be applicable to many areas in the Appalachian region.

I regret that this portion of the Appalachian bill is the one which is most likely to come under attack in the Senate. I know it will be the subject of an amendment or amendments. I do not wish to be negative, but this portion may be dropped from the bill. I know of the opposition to it in the House by a group of Representatives from the West and Midwest.

If the proposed legislation passes in general, and we are not able to hold this provision of the program this year, I shall endeavor in the 89th Congress to amend the act to provide for this important feature for the future of the area.

It is almost universally recognized that most of our Federal farm support programs are of primary value to the specialized farm regions and of greatest value to the large corporation farms. Yet we maintain our fond talk about the value of the family farm. I think it is long overdue that we do something for the family farmer—particularly in Appalachia—rather than merely talk about him. Especially is this so, when we consider that among the 19 congressional districts in the country at large which have the lowest farm operator level of living, 14 of them are located in Appalachia.

One of the major underdeveloped resources of Appalachia is the immense reserve of timber. With some 60 percent of the land area covered by forests, no regional development program could be effective which fails to consider the potential of such lands in terms of recreational uses, timber products, and land and water conservation.

In recent years there have been many encouraging developments in the timber-products industry within Appalachia through significant capital investments by private firms. The developmental highway system, the programed acceleration on the national forests of the construction of timber development roads, and the intensified research in Appalachian hardwoods planned by the Forest Service will, I hope, encourage the continued progress of our timber products industry.

However, much of the commercial forest land of the region exists in small holdings and woodlots of 50 to 100 acres, a landownership pattern which presents serious obstacles to the development of modern and efficient management and harvesting practices. In West Virginia, for example, it is estimated that some 4,500,000 acres exist in holdings of less than 100 acres, and another 2,900,000 are in holdings of between 100 and 500 acres. In order to consolidate these holdings, managerially and physically, into larger and more efficient units of management, the Appalachian Development Act would authorize $5 million for loans and technical assistance to timber development organizations.

I am aware of some degree of anxiety among members of the timber products industry regarding this feature of the act. However, I believe such concern is premature, and I would strongly emphasize that it is not the intent of Congress to put the Federal Government in competition with the forest products industry, nor to subsidize inefficient management. There are, however, many thousands of small farmers and timber owners in Appalachia for whom their timberland is their major source of capital worth. They are hampered by inadequate knowledge and insufficient holdings from realizing the full income value of their land; and their needs cannot be overlooked in any realistic or equitable plan for regional economic development.

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

Mr. RANDOLPH. I am glad to yield to the Senator from Iowa, a member of the Committee on Public Works, who gave his attention to this subject matter and participated in the hearings.

Mr. MILLER. I do not wish to intrude on the Senator's explanation of the bill unless the intrusion involves something of considerable importance. Perhaps we could have a brief colloquy on the point the Senator has been covering, so that the RECORD will be in proper sequence with respect to it. Will the Senator indulge me for a few comments and perhaps to ask a question or two?

Mr. RANDOLPH. Yes; I shall be glad to do so at this time. I would have preferred to conclude my discussion, but I shall certainly be glad to accommodate the Senator in this regard.

Mr. MILLER. I thank the Senator. The Senator as usual is his most cooperative self. I deeply appreciate it.

The Senator knows that in committee I raised the point about the agricultural section of the bill. My recollection is that the disposition of practically all the members of the other party in this committee, if not all of them, was to oppose any amendment to delete this portion of the bill.

Mr. RANDOLPH. Is the Senator referring to the pasture land improvement program?

Mr. MILLER. The Senator from Iowa is referring to the pasture land improvement program.

Mr. RANDOLPH. At this point, the record should be developed, as the Senator from Iowa will do well; but I have had conversations with other members of the Committee on Public Works, including the Senator from Montana [Mr. METCALF] and the Senator from Utah [Mr. MOSS]. Those two Senators, at least, as members of the majority party, are concerned, as is the Senator from Iowa, a member of the minority, in reference to this particular provision of the bill.

Mr. MILLER. I am pleased to receive that information, because it is my recollection that that concern was not expressed by either of the two Senators whom the Senator from West Virginia has mentioned at the time the bill was considered in committee, although I recognize that it should have been. Because of the interests which they represent, coming, as they do, from large livestock-producing States, I welcome their considering the possibility to remove this section from the bill.

The point ought to be made that every member of the committee and, I believe, every Member of the Senate is concerned about the future of some of the small farmers in the Appalachian region. Our concern goes beyond them; but we are discussing the Appalachia bill, and that is what I am talking about now.

We all recognize that small farmers have practically no future in this area and that, if possible, something should be done to provide them with a future. However, the point that I made in committee, and wish to make on the floor of the Senate, is that in the present state of agricultural development, permitting small farmers to pasture a few extra heads of cattle will not provide them with a future. If anything, it will only, prolong the agony of submarginal income and a substandard of living. The future for people like that and their families must be found in industrial development in the region.

We have found this to be true in Iowa, where it is well known that farm operations are and have been moving into larger units, while the farm population has steadily declined. The people who have to move off the farms because their units are too small to provide them and their families with a reasonable living standard have no place to find a future except in industrial development, in jobs furnished not only in nearby towns and cities in Iowa, but in other cities throughout the country.

One of the most distressing problems of my State is that we export many of our younger people, and a good number of our older people, to other States, because they have been literally forced off the farms, farms which have not been large enough to provide them with proper sustenance.

It seems to me that when we are considering a problem of imbalance between production and consumption of livestock, with the result that a tremendous controversy has been waged over the increased meat imports situation that has developed in the past 2 or 3 years, and when we have been paying much of the taxpayers' money to farmers to retire land from the growing of crops that are in surplus, we are going in the opposite direction by including this section in the bill.

Granted that the objective of helping people is laudable, I believe that we are going contrary to the established policy of this administration and previous administrations, which has been to reduce the production of crops and, if anything, to reduce the amount of livestock being raised, so that there will not be an imbalance between production and consumption.

I cannot see how much of a future will be afforded the small farmers who might come under this part of the bill; at the same time, I can see how, collectively, it could aggravate the agricultural problem. I do not believe that the record made before the committee contains any substantial evidence to indicate that anything other than a prolongation of substandard living will take place.

The Secretary of Agriculture testified that this program would not materially interfere with the national agricultural picture. I know that he testified that it would be helpful to the people concerned. But I do not recall that he used any persuasive statistics. It was an opinion that was expressed. The opinion was contrary to the opinion that has been expressed by a number of people in the agricultural business.

For example, I recall a leading editorial in the Des Moines Register which, I am quite sure, was written by a person who has been among the foremost in trying to recognize that changing times demand changes in agriculture. The editorial stated that one of the defects in the proposed legislation is this particular section of the bill, and that the reason why it is a defect is that it tends to perpetuate small, uneconomic-sized farms. When I say "small," I am not talking about the family farm as such; because when we refer to a family farm, I am sure most of us are talking about a family farm that is big enough to support a family. I believe the Secretary of Agriculture used that definition some time ago. I cannot see how one of the small farms in Appalachia, with the assistance provided by this section of the bill, will be much of a family farm, if it has not been a family farm until now. If it has not been a farm large enough to sustain a family until now, I do not believe that what is proposed by the bill would improve the situation noticeably.

As I said before, a concern of many of us who come from the livestock and agricultural areas, including the Senators from Iowa, Montana, and Utah, whom the Senator from West Virginia referred to earlier, is that this provision will cause more of an imbalance between production and consumption, and we are now struggling with that very problem. One reason why farm parity has declined from 81 to 74 in the past 3 years has been the imbalance between production and consumption. Much is being done to try to improve the situation. Public Law 480 has been continued by Congress. Our exports of surplus grains have been greatly stepped up. Our marketings abroad in normal export channels—for example, in the soybean industry—have been greatly stepped up. Yet we continue to pay out hundreds of millions of dollars in an effort to bring consumption and production more into balance.

I have spoken on this subject a little longer that I had planned to. The RECORD should show the main reason why I have submitted and had printed an amendment to the bill. My amendment is numbered 1239. It would delete from the bill the section relating to pasturage.

Mr. RANDOLPH. I should like to respond to the Senator by saying that I disagree with the assertion that this provision would merely cause more of an imbalance between production and consumption, and I believe the longrun trends of beef consumption in America support my view and that of Secretary of Agriculture Freeman. But I am realistic. I doubt if we could hold this provision of the bill in the House. I believe that it could be held in the Senate. I am not sure, however. The thoughts of the Senator and the thoughts of other Senators on this subject might well prevail. I am realistic, as I have just indicated, with reference to the provision.

I should like to complete my discussion at this time by stating that 60 percent of the citizens who live in the Appalachian region live in rural sections of the country; therefore although the Senator has referred to the advisability of industrial development and expansion—and I certainly agree that the development should move forward—there yet exists the problem of rural Appalachia. We must intelligently work with one kind of program or another for the people who still live on the land of Appalachia—a good land.

Mr. MILLER. Let me suggest that those who live on the good land in economic-sized units are already receiving benefits from various programs, not the least of which are soil conservation activities. I have no objection to this program. What I have objection to is the fact that many of these people will find, if they come under this section and take advantage of it, it will be only a temporary palliative which will not provide them with a future, and that they may be encouraged to stay on and participate in uneconomic-sized units.

I am not asking them to do a single thing more than the farmers and their families in my State of Iowa have done. I have noted with great concern the drop in our farm population. It has made its impact in some of our smaller towns which at one time were viable, growing communities; and some of them are, unfortunately, losing their population. But people who have literally been forced off the farms have either gone into cities or towns and found jobs, or they have gone out as far as the west coast.

Mr. RANDOLPH. Or gone on relief in the cities as well as finding jobs. Is that not correct?

Mr. MILLER. I do not doubt that some of them have. Incidentally, this was one of the reasons why I offered an amendment to the area redevelopment act bill last year. The Senator from West Virginia will recall that it was opposed by the leadership and was defeated; but my amendment would have sought to include rural areas in the area redevelopment program—areas which have lost substantial population—the idea being that instead of allowing a situation to continue in which some people from the rural areas would go into the large cities and aggravate the unemployment situation, we should hold them back in the rural areas and develop the area from an industrial standpoint, so that they would not need to move into the cities to aggravate the unemployment problem.

I do not suggest that underprivileged farmers and their families in Appalachia do anything more than underprivileged farmers in Iowa, South Dakota, Nebraska, or other States are now doing. However, I believe that it would be unfair to them to give them what amounts to a mere pittance, something which might cause them to have false hopes regarding their future.

I believe that it would be far better to consider this program with its great accent on industrial development, and say to the people that we are trying to help the region develop industrially, so that they can move into the cities and towns and obtain jobs with a future. I know that this is the main purpose behind the bill. To that extent, I must say that I believe the objective is sound.

Of course, I have another point in this connection which was discussed at some length in the minority views. Mr. President, in that connection, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a portion of the minority views.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MILLER. Mr. President, I am concerned about the other aspects of the bill, one of them being that some of the counties, in fact a good many of them, included in the Appalachia definition, are counties which cannot qualify as distressed areas under other legislation

passed by Congress. I have an amendment on this subject which I propose to offer at the appropriate time.

Mr. RANDOLPH. Mr. President, I do not desire at this point to answer the argument of the Senator from Iowa [Mr. MILLER] regarding the deletion from the program of certain counties. I shall develop the committee opposition of the majority to the position with regard to that amendment at the proper time.

Mr. MILLER. I appreciate that. To draw the colloquy to a conclusion, I again express my appreciation to the very able Senator from West Virginia, whom I consider a warm friend and one with whom I feel most privileged to serve on the committee. I was hopeful that perhaps the leadership on the bill might agree to accept an amendment deleting this particular section. In view of our colloquy, I hope that he will give this suggestion careful consideration, because I believe that this is a defect which is recognized by other Senators, as well as by myself, and it might detract from the acceptance of the proposed legislation if it were included when the Senate completes its action.

Mr. RANDOLPH. Mr. President, the views of the Senator from Iowa, a member of the Senate Public Works Committee, with particular reference to the two amendments to the pending legislation, were advanced during the hearings and also in executive session. The further colloquy and explanation this afternoon, I am sure, will be helpful to an intelligent determination of the problems.

Mr. President, a fifth major action program specifically tailored to Appalachia is the $22 million authorized for reclamation of strip mined lands and for the Secretary of the Interior to conduct a study of the effects of surface mining. Last year, the West Virginia Legislature enacted an intelligent and progressive strip mining law, which has enlisted the compliance and cooperation of responsible management officials in the coal mining industry. The same cannot be said of all the Appalachian States, however; and until our neighboring States have laws of equal strength elements of the coal industry will operate under the threat of competitive disadvantage, however slight. I would hope that the Appalachian Regional Commission, and the study to be performed by the Secretary of the Interior, would lead to more uniformity of strip mining laws among the States of the Appalachian region.

At this point, I mention the pending bill, sponsored by our able colleague, the Senator from Ohio [Mr. LAUSCHE]. Several of us joined him in this proposal, which has to do with the proposed study of reclamation areas which are scarred by strip mining operations.

These are the principal action programs embodied in the act, though as I mentioned earlier, it provides funds also for additional assistance to the Appalachian region under existing grant-in-aid programs, which are already in existence. These include $16 million for construction of vocational education facilities under the Vocational Education Act of 1963; $6 million for the construction of sewage treatment control facilities under the Water Pollution Control Act; and $90 million to supplement any other existing Federal grant-in-aid under such acts as the Federal Airport Act, the Higher Education Facilities Act of 1963, the Watershed Protection and Flood Prevention Act, and the Library Services Act. Grants under all of these supplementary provisions may be made up to 80 percent of the total cost of construction and without reference to the formula for State apportionment under existing statutes.

Finally, I would mention two provisions which look to the future and which were incorporated in the bill largely at my request. It authorizes $5 million for the first regionwide, comprehensive study of the water resources of Appalachia. This study will integrate comprehensive river basin studies, and it will provide for the first time a plan for regional development of our water resources on a multipurpose basis.

Second, the act would encourage the experimental use of coal products in construction of the developmental road system, by allowing each State to set aside 10 percent of its allocated mileage under this system for the purpose of testing coal products and other indigenous materials. Some of the most knowledgeable experts in the field of highway research have indicated to me that coal dust as an aggregate and coal products as binders may have an immense potential in the highway construction industry, but that we shall never know what these products can do in the highway construction program until we provide an adequate testing program. It is my hope that this legislation will establish such a testing program.

The Appalachian Regional Development Act is a long-overdue effort to resolve some of our most stubborn problems by local, State, and Federal partnership. And I am confident that if this program is imaginatively administered with a view toward enlisting local and State participation in the establishment of multicounty development districts, it will move affected counties of the region well along the road of adequate utilization of our natural resources and sustained economic growth.

This legislation presumes a balanced economy, with adequate attention being given to industrial development, community facilities improvements, natural resources, and the enhancement of the recreation potential of the natural beauties of our State.

One final point—it does not create another permanent layer of bureaucracy in the Federal Government. The Appalachian Regional Development Act will expire on July 1, 1970, and with it will expire the Commission and the other administrative machinery. It assumes, therefore, that we can do the job of bringing a much improved economy to the region within the decade of the 1960's. I believe we can. And I believe we will.

EXHIBIT 1

PREFERENTIAL TREATMENT FOR APPALACHIA

A Federal program to benefit all of the citizens of the United States is one thing. A Federal program to benefit some or all of the citizens of one selected area or of a few selected States simply because of their place of residence is an entirely different thing.

H.R. 11946 would provide for a massive Federal spending program ($1,077,200,000 to start) for an area designated "Appalachia"—an area comprising 355 counties in 11 States. How the boundaries of Appalachia were determined is open to speculation. A spokesman for the Governor of Virginia, who conceded that most of the Virginia counties in Appalachia are not economically depressed, commented that the prosperous counties were included "because somewhere 2 or 3 years ago some individual drew a line on the map at the foot of the mountains."

Regardless of how the boundaries of Appalachia were determined, the fact remains that H.R. 11946 would establish a special massive relief program for one comparatively small part of the Nation to the exclusion of other equally deserving areas.

This preferential treatment is "justified" by statistics which purport to show that Appalachia lags behind national averages in several categories. But Appalachia is not the only area which is below national averages. The Ozark Mountain region, the upper Great Lakes iron ore region, several of the Southern States, areas in the West and the Northeast, and other areas can demonstrate below average conditions in terms of low per capita income, low family income, high unemployment rates, or other categories. According to the June 1964 edition of "Area Labor Market Trends," published monthly by the U.S. Department of Labor, there are 715 areas in the United States having substantial unemployment, and 551 of these are areas having substantial and persistent unemployment.

Whether below national averages are indicia of economic distress is a matter open to debate. But, conceding that they are for the purpose of discussing the matter, the question remains as to why one below-average area should be given preference over other below-average areas.

We believe that the special Appalachia relief proposal discriminates against every other area in the United States which has unemployment rates, income rates, and other conditions comparable to or worse than those in Appalachia.

A WASTEFUL AND INEFFECTIVE FARM PROGRAM

To promote the raising of more livestock in Appalachia, section 203 of H.R. 11946 authorizes the Secretary of Agriculture to make grants to landowners in amounts up to 80 percent of the costs of improving and developing 25 acres of pastureland owned by such landowner in the region.

This section raises several serious problems. There is an obvious inconsistency with any sound approach to a national agricultural program to give Federal funds to landowners of one region for the purpose of bringing land into production, while at the same time the Federal Government is paying landowners of other regions to remove better land from production. The production of beef in the United States reached an alltime record high last year, and the importation of beef into the United States also reached an alltime high in 1963. This increased production and importation of beef brought about a decline in gross cash receipts for beef producers and a reduction in the average net price of beef for the producer. Since the U.S. Department of Agriculture has reported that the high level of cattle slaughter and the resulting decrease in average prices will probably be maintained for a substantial period of time under existing Federal regulatory authority, the increase in beef production in Appalachia is further inconsistent with national agricultural objectives.

It is also difficult to justify the expenditure of Federal funds for the purpose of placing more land into beef production and to simul-

taneously expend Federal funds to maintain storage facilities for existing beef surpluses and to purchase excess beef poundage through diversion programs.

The bill is not clear as to what constitutes a landowner with respect to the number of acres eligible for assistance. If four members of one family each owns 25 acres of a hundred-acre farm, then it is conceivable that all 100 acres could be improved under the provisions of this section. It is also conceivable that a landowner could own farms in Georgia, Ohio, and North Carolina, in the Appalachian region, and still be eligible for assistance for the improvement of only 25 acres—75 acres less than the family of four.

One of the cruelest aspects of this pasture improvement section is the false hopes it will raise among many of the farmers in Appalachia. To subsidize uneconomic farm units and to lead these farmers to believe that under present conditions they can become viable, productive, and economic units, when in fact and according to the testimony of Secretary of Agriculture Freeman this cannot be done even with this pasture improvement assistance, would be a cruel hoax. Twenty-five acres of pasture in Appalachia will support at most only six to eight animal units. Improvement of 25 acres of pasture simply would not be enough to make a cow-calf operation economic, if this is what the bill envisions. A large farm unit would be needed. This pasture improvement section will perpetuate the status quo, instead of doing away with rural poverty. It will, unfortunately, prolong the almost inevitable closing of uneconomic farm units.

The limitation of the program to pasture improvement and development is too narrow to deal effectively with total agricultural problems in Appalachia, but the provisions of this section apply to a sufficiently significant percentage of the total farm acreage in this Nation to affect the overall national objectives of the agricultural program, and as a result this section very seriously jeopardizes the stability of that program.

It is not clear as to which agency of the Department of Agriculture will administer this program.

This section unduly discriminates against those farmers of the United States outside the Appalachian area. In essence, this section will be ineffective in Appalachia, and it has an enormously damaging potential for other regions of the United States.

Mr. RANDOLPH. 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. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM WEDNESDAY TO THURSDAY AT NOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourn tomorrow, it stand in adjournment until 12 o'clock noon on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. The effect of the Senator's request is that the cloture vote would come at 1 o'clock on Thursday. Is that correct?

Mr. MANSFIELD. That is correct.

Mr. PROXMIRE. I thank the Senator.

ON THE STAFFING OF INTERNATIONAL ORGANIZATIONS

Mr. CHURCH. Mr. President, I invite the attention of my colleagues to certain actions taken by President Johnson on August 17 concerning the staffing of international organizations. On that date, the President stated his intention of making sure that the best qualified American citizens will be available to accept service with the many international organizations—now more than 50 in number—in which our country participates. In accordance with this policy, the President issued a memorandum to the heads of executive departments and agencies designed to stimulate greater efforts in this field.

My purpose in stressing this development is threefold. In the first place, if the policy of encouraging Americans of the highest caliber to enter the international civil service is to be fully implemented, the more publicity given to this effort the better. Second, I would like to give credit where it is due: a number of State Department officials and advisers—and I think Assistant Secretary Harlan Cleveland should be singled out for particular praise—have been working faithfully and long to bring this policy to fruition. In the third place, I believe the President's announcement represents the culmination of a notable instance of close and useful cooperation between the executive and legislative branches. For the Subcommittee on International Organization Affairs of the Senate Foreign Relations Committee, of which I have the honor to be chairman, has done its best to encourage this development since the publication, in April of last year, of a report on the subject by the State Department's Advisory Committee on International Organizations, headed by Sol M. Linowitz.

That report outlined in clear and concise terms the problem which has been confronting us for some half dozen years, and which has grown in proportion to the degree it has been slighted. There has been an increasing disparity between the numbers of Americans working as professional staff members with various international organizations, on the one hand, and the amount of U.S. Government interest in, and financial support for, those organizations, on the other. Our scrupulous respect for the concept of an international civil service has been accompanied by a somewhat casual attitude toward insuring its proper growth and operation. Although many talented and dedicated Americans are currently employed by the various international agencies, it is clear that a much higher overall level of qualified U.S. personnel could result from the adoption of encouraging recruitment measures.

These organizations are a salient and, I believe, very useful fact of international life—no matter how many wistful admirers of bygone days might wish them out of existence. Outside of a wildly drastic policy of complete withdrawal from such organizations, and thus from world realities, we have no choice but to strive for their improvement and for a better record of U.S. citizen participation in their operations. The alternative is to leave the field to forces which might, in time, prove increasingly inimical to our interests. For it is obvious that not all United Nations members share our respect for the principle of an international civil service set forth in articles 100 and 101 of the U.N. Charter.

It is in keeping with this view that I heartily applaud the recent actions taken by our President. They deserve to be more widely known, and they should be enthusiastically received by all those who wish to further strengthen the U.S. position in world affairs.

Mr. President, I ask unanimous consent to insert in the RECORD at this point copies of President Johnson's statement and memorandum, along with a copy of an article on the subject in the New York Times of August 17, 1964.

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

THE WHITE HOUSE.

The President today made the following statement:

"I have issued a memorandum which seeks to assure that the very highest caliber of Americans will be available for staffing the international organizations in which the United States plays a role.

"Over the years, U.S. participation in such organizations has been constantly increasing. We have sponsored many of them and we contribute financially to all of them. At the present time we belong to more than 50 such groups.

"It seems to me to be the part of wisdom to back our stake in such groups with the very highest caliber of people available. The capacity and effectiveness of these organizations depend upon the quality of those who administer them. And even though I have a great deal of respect for the efforts of those Americans already working in them, I do not feel we have done enough to help these agencies secure the services of highly qualified American men and women from private life and from Government agencies.

"Final responsibility for selecting people rests quite properly with the appropriate agencies themselves. But it is our duty, not only to the international agencies but to our own country, to be certain that in recruiting their personnel, these agencies have ready access to talented and dedicated Americans who are qualified by every prudent test.

"With that thought in mind, I have approved the attached memorandum.

"THE WHITE HOUSE,
"Washington.

"MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

"It is the policy of this Government to do its full share to assist in the development of sound, efficient international organizations

to keep the peace, to resolve disputes, to promote peaceful change, to conduct a world war against poverty, to exchange technology, and for other purposes.

"At the present time we belong to more than half a hundred such organizations. We have sponsored many of them. We contribute financially to all of them.

"But the capacity and efficiency of these organizations depend, in the end, upon the quality and the motivations of the international civil servants who administer them. These organizations—and our national interest in their fortunes—deserve the services of some of the ablest citizens of the United States. In past years we have not done enough to help these agencies secure the services of highly qualified men and women from private life and from Government agencies.

"Final responsibility for selection of personnel to staff international organizations rests, of course, with the appropriate officers of those organizations. But we must make sure that recruitment of their personnel is supported by ready access to talented citizens of this country who are qualified for positions in the international agencies.

"It is my desire that: (1) All executive departments and agencies take affirmative and continuing steps to assist international organizations to obtain properly qualified U.S. candidates for employment.

"(2) All executive departments and agencies encourage their able employees to accept assignments with international organizations in accordance with the authority of Public Law 85-795, and give positive recognition to the Government's interest in the training and career advancement advantages of such employment.

"(3) All executive departments and agencies continue employer contributions toward Federal retirement and insurance benefits for employees serving international organizations in accordance with the authority of Public Law 85-795, in the absence of arrangements for such contributions by the employing international organization.

"(4) All executive departments and agencies assist actively in finding qualified candidates in their fields of specialization when requested to do so by the agencies having primary responsibility.

"(5) The Secretary of State provide leadership and coordination of this effort and develop policies and procedures to advance it, including the seeking of assistance from the State and local governments and from nongovernmental organizations in locating qualified candidates in private employment.

"(6) The Secretary of State report annually on the effectiveness of the recruitment program in behalf of international organizations established herein.

"This memorandum shall be published in the Federal Register."

PRESIDENT SEEKS HIGH-CALIBER MEN FOR KEY U.N. POSTS—DIRECTS AGENCIES TO STRIVE TO MAKE QUALIFIED PEOPLE AVAILABLE FOR POSITIONS

(By Tad Szulc)

WASHINGTON, August 16.—President Johnson directed all Government executive departments and agencies today to help assure that "the very highest caliber of Americans" will be available for key posts in the United Nations and other international organizations.

The President's directive assured that the Government careers of U.S. officials will be protected while they are serving with international agencies, was contained in a special memorandum to the heads of the departments and agencies.

In another move, President Johnson issued a statement addressed to the leaders of 110 countries urging that all nations join through the United Nations "to place the peaceful realism of space off limits to the designs of aggressors on earth."

PHOTOS ARE PROVIDED

The appeal accompanied a set of photographs of the moon, taken by the television cameras of the Ranger 7 spacecraft last July 31, that Mr. Johnson sent to the leaders. Each set, according to the President, "includes five photographs taken at distances from the lunar surface varying from 480 miles down to 100 feet."

In the directive on personnel for international agencies, Mr. Johnson said in a covering statement that it was "the part of wisdom to back our stake" in more than 50 international groups to which the United States belongs.

Other officials suggested that the growing United Nations role in worldwide peacekeeping and other sensitive activities made it imperative for Americans to hold a reasonable number of key positions in the Secretariat.

Those officials said the Soviet Union was conducting an aggressive campaign to obtain a maximum number of executive positions in the United Nations and other organizations. They said it would be undesirable if the control of operations in such cases as Congo or Cyprus fell into the wrong hands.

The view here was that Soviet officials in the Secretariat remained primarily loyal to the Soviet Union instead of acting as independent international civil servants as prescribed by article 100 of the charter.

Mr. Johnson said that "even though I have a great deal of respect for the efforts of those Americans already working [in international organizations] I do not feel we have done enough to help these agencies secure the services of highly qualified American men and women from private life and from Government agencies."

The President's directive to the heads of the departments to help in the recruitment, presents both a marked change of U.S. policies and the culmination of a long pereparatory effort in that direction.

The U.S. Government previously made no special effort to encourage Americans to seek high level employment in the United Nations and other international organizations because the accepted interpretation of the charter's article 100 was that it was up to the Secretariats to choose their own officials.

While Mr. Johnson recognized that "final responsibility for selection of personnel" rested with the organizations themselves, the new policy calls for encouragement of highly qualified Americans to make themselves available for key posts.

TWO REASONS GIVEN

The two main reasons for the change in policy, it was said here, are recognition of the increasing executive role of the United Nations and specialized agencies in all fields and the realization that the first generation of key international civil servants from the Western countries is approaching retirement, with a "second generation" to be developed.

Officials said that, while it was not the intention of the administration to flood the agencies with Americans, there was a keen desire to have Americans in important positions when "all other things were equal."

The President's directive was an outgrowth of a report on "Staffing International Organizations" prepared in April 1963, by an advisory State Department committee for the Assistant Secretary of State for International Organization Affairs, Harlan Cleveland.

The 12-member committee was headed by Sol M. Linowitz, chairman of the board of the Xerox Corp. Its other members were:

Robert Amory, Jr., chief of the Budget Bureau's international division; Harding F. Bancroft, executive vice president of the New York Times; Andrew W. Cordier, former Under Secretary General of the United Nations; Lawrence S. Finkelstein, vice president of the Carnegie Endowment for International Peace; Karney A. Grasfield, a partner in the Washington law firm of Touche, Ross, Bailey & Smart.

Also, Ernest A. Gross, former Deputy Representative in the United Nations Security Council; Arthur Larson, former Director of the U.S. Information Agency; John W. Macy, Jr., Chairman of the Civil Service Commission; Joseph Pois, professor of public administration at the University of Pittsburgh's Graduate School of Public and International Affairs; Marshall D. Shulman, former special assistant to the Secretary of State, and Francis O. Wilcox, former Assistant Secretary of State for International Organization Affairs.

UNDER 15 PERCENT AMERICANS

The report said Americans represented just under 15 percent of professional staffs in the United Nations and specialized agencies, although under the prevailing criteria the aim for U.S. representation is actually higher.

The President's directive, which named Secretary of State Dean Rusk as coordinator of the new program, does not concern itself with clerical or office positions, but only with the top level of policymaking or executive posts.

Two of eight posts of special under secretaries in the United Nations are now held by Americans. They are Dr. Ralph J. Bunche, in charge of political affairs, and Paul G. Hoffman, in charge of the Economic Development Fund.

One of these posts directly under the level of the Secretary General, U Thant, is held by a Soviet official, Vladimir P. Suslov.

Three specialized agencies are headed by Americans. They are David Morse, Director-General of the International Labor Organization; Maurice Pate, Executive Director of the International Children's Emergency Fund, and Gerald Gross, head of the International Telecommunications Organization.

Mr. Johnson said in his statement on peace in space, that "since the beginning of our space effort, the United States has invited and urged all nations to make this vital new exploration a joint venture of international cooperation."

He noted that 60 countries "now work voluntarily in this pursuit" and said that the United States continues to hope that "the extent of such international cooperation will be enlarged."

Last December, the United States and the Soviet Union joined in supporting a resolution in the United Nations General Assembly calling for international cooperation in the peaceful use of space.

RETURN TO THE SENATE FROM THE HOUSE OF H.R. 11865, THE SOCIAL SECURITY BILL

Mr. COOPER. Mr. President, I wish to thank the majority leader, the Senator from Montana [Mr. MANSFIELD], for doing his best earlier today to accommodate a request I had made in connection with the Social Security Amendments of 1964, H.R. 11865, passed by the Senate last Thursday, shortly before the Senate recessed for the Labor Day weekend.

I ask unanimous consent that there be printed in the RECORD at this point, a copy of my letter to the majority leader, along with my letter to Senator LONG, who managed the bill in the Senate, and copies of telegrams I received from Mr. James L. Sublett, executive secretary of the Teachers' Retirement System of Kentucky, and from Mr. Roger H. Jones, president of the Kentucky Education Association—but not until after the final

vote on the Senate bill, Thursday afternoon, September 3.

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

SEPTEMBER 4, 1964.

Hon. MIKE MANSFIELD,
U.S. Senate, Washington, D.C.

DEAR MIKE: I understand you have asked that H.R. 11865, the social security amendments of 1964 as passed by the Senate yesterday, be messaged to the House at noon on Tuesday.

I would like to ask if it would be possible, without seriously inconveniencing your plans, to postpone this action until, say, 1 o'clock on Tuesday.

My purpose is to have the opportunity to ask unanimous consent that the final vote be reconsidered for the express and limited purpose of proposing an amendment. The amendment affects Kentucky and no other State. I understand, of course, that this would not be possible unless, after talking to Senator BYRD and Senator WILLIAMS, I find that this procedure is acceptable to the Finance Committee.

The amendment consists of striking out lines 2 and 3 on page 40 of the bill, which specifically add Kentucky to the list of 17 States now authorized to divide their State and local government retirement systems into two parts for purposes of social security coverage.

This provision was contained in the House bill. However, only yesterday, I received word from the president of the Kentucky Education Association, and the board of trustees of the Kentucky Teachers Retirement System, that both State organizations of teachers are strenuously opposed to the provision—which principally affects only teachers in the State of Kentucky.

Because the provision is controversial in Kentucky, and this information was received so late, it would be helpful if it could be considered in conference.

I know this is an unusual request, but perhaps I can talk to you about it and will look for you before the Senate convenes on Tuesday.

Sincerely yours,

JOHN SHERMAN COOPER.

SEPTEMBER 4, 1964.

Hon. RUSSELL B. LONG,
U.S. Senate, Washington, D.C.

DEAR RUSSELL: The social security bill as passed in the Senate yesterday contains a provision in new section 109, specifically adding Kentucky to the list of 17 States now authorized to divide their State and local government retirement systems into two parts for purposes of social security coverage.

This provision was contained in the House bill. However, only yesterday, I received word from the president of the Kentucky Education Association, and the Board of Trustees of the Kentucky Teachers Retirement System, that both State organizations of teachers are strenuously opposed to the provision.

Since the matter has turned out to be controversial, principally affects teachers in Kentucky whose organizations oppose the provision, and affects no other State, it would be helpful if it could be considered in conference. But, this will not be possible unless we could secure unanimous consent when the Senate convenes on Tuesday to reconsider the final vote for the express and limited purpose of asking that lines 2 and 3 on page 40 be stricken from the bill.

I know this is an unusual request. But, if you have no objection and could accept the amendment, it would be very helpful and I am sure could be disposed of quickly.

I would like very much to talk to you about this and will try to see you when the Senate convenes on Tuesday.

Sincerely yours,

JOHN SHERMAN COOPER.

JOHN SHERMAN COOPER,
U.S. Senator,
Capitol, Washington, D.C.:

Board of trustees, Kentucky Teachers' Retirement System strongly oppose section 12 of H.R. 11865. Teacher retirement contribution increases to 7 percent of salary July 1965. Addition of social security at approximately 5 percent too great a burden for teacher and taxpayer. Studies show 50 percent Kentucky teachers are married women with social security coverage through husband. Enactment of this legislation means eventual weakening of one of strongest retirement programs in Nation. Original proposal as sponsored by Congressman Snyder came from small group of older teachers in Louisville who are interested in windfall. Twenty-five school districts would be required to raise local property tax rate beyond present legal limit to pay employers portion of tax. Cost in Pulaski County 20 cents of $1.50 rate. Laurel County would need 21 cents beyond the legal $1.50 rate. Strongly urge every effort to delete this provision.

JAMES L. SUBLETT,
Executive Secretary, Teachers' Retirement System of State of Kentucky.

Senator JOHN SHERMAN COOPER,
Senate Office Building,
Washington, D.C.:

For a number of years the Kentucky Education Association has been opposed to combining Kentucky Teachers' Retirement System with any other retirement plan, including social security. As late as 1963 the KEA delegate assembly composed of 600 teachers from throughout Kentucky reaffirmed its position as follows: "We reaffirm the position taken by KEA in keeping the Kentucky retirement system actuarially sound in preference to supplmentary coverage from other sources."

ROGER H. JONES,
President, Kentucky Education Association.

Mr. COOPER. Briefly, the bill as passed by the House and sent to the Senate contained a provision adding the States of Alaska and Kentucky to the list of 17 States now authorized to divide their State and local government retirement systems into two parts, for purposes of social security coverage.

When I received word that this provision might not be desired by the majority of teachers in Kentucky, I did send a telegram to Mr. Sublett and to Mr. Jones on Wednesday, September 2. But, as the letters explain, I did not receive their response until after the Senate had acted upon the entire bill. Although I had received no advice on this subject from the two organizations earlier, because of their opposition, I thought it would be helpful to have the provision considered in conference.

I appreciate very much the courtesy of the majority leader in taking the unusual action of securing a Senate order requesting that the House of Representatives return the bill to the Senate, so that I might have the opportunity of making a unanimous-consent request to remove the Kentucky provision from the Senate bill, so that it could be considered in conference between the two Houses. I understand that when the order of the Senate was received by the Secretary of the Senate, the House of Representatives had already adjourned until Thursday, September 10, so that it was impossible for this to be done.

I know that the authority granted by the provision in the bill is permissive; that before it could be put into effect, enabling legislation by the Kentucky General Assembly would probably be required; that the teachers' retirement system could not be divided unless the State decided to do so; and, finally, that if the State did so decide, the question would be submitted to State and local groups of teachers, for their decision by referendum or as individuals. So I do not think any action can be taken against the wishes of the majority of the teachers in Kentucky, who now have their own retirement system.

I know that my colleague from Kentucky [Mr. MORTON], who is a member of the Finance Committee, also tried to correct this provision, and, I am sure, joins in expressing to the majority leader our thanks for his extraordinary action in helping to explore every possibility of carrying out the wishes of the teacher organizations of our State.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes—cloture mention.

Mr. HART. Mr. President, those of us who are attempting to bring the Senate to a fuller understanding of the implications of the very real dangers that are inherent in the effort, in effect, to overrule the decision of the Supreme Court on reapportionment of State legislatures have been encouraged greatly by the growing support across the country for our efforts.

Earlier today we made the point that we feel it is not a flattering commentary that the Senate continues to consider this complex and far-reaching proposal without the benefit of a single page of hearings, or a day of consideration by a standing committee of the Senate.

We are approaching the time when the roll will be called on cloture, the effort to terminate the Senate debate. In this setting, it seems important that this RECORD show some of the opposition which has developed to the Dirksen amendment in many of the States where fair-apportionment groups have long been carrying on the struggle to achieve constitutional representation in the State legislatures.

Mr. President, in order that there may be some indication available of the concern that is expressed, I shall read into the RECORD some of the communications which, as one Senator who has been attempting to get the facts before the Senate and the public, I have received recently.

As early as June 23, the League of Women Voters of Oklahoma, more vigilant than most of us, issued the following statement in opposition to measures

which would restrict the jurisdiction of the Supreme Court in State reapportionment cases:

STATEMENT, LEAGUE OF WOMEN VOTERS OF OKLAHOMA, JUNE 23, 1964

The bloc of Congressmen now contemplating an amendment to the U.S. Constitution to prevent the U.S. Supreme Court from ruling on cases of apportionment of State legislatures is threatening the balance of powers on which our Government is based. The Constitution provides guards for individual rights and individual liberties. To restrict the Supreme Court by constitutional amendment and to deny recourse to minorities and individuals whose rights may be threatened weakens the fabric of our form of government.

Congress has a way right now to override the Supreme Court, and it has used it in the past. After the Supreme Court declared a Federal income tax unconstitutional, Congress passed by a two-thirds vote an amendment which was ratified in 1913 by three-fourths of the States, the 16th amendment, which granted Congress the power to tax incomes.

If two-thirds of the Congressmen feel the decisions of the Court in the case of reapportionment of State legislatures are too far-reaching, let them attempt a remedy by trying to solve the problem of unrepresentative State governments, not by destroying the only recourse left to the underrepresented. Let them draft a positive amendment, not an amendment designed to destroy the checks and balances.

On August 31, an emergency committee of 175 civic leaders and interested citizens met in Oklahoma City in support of fair apportionment and in opposition to measures pending before the Congress to overturn the Supreme Court's decision. The meeting was chaired by the distinguished mayor of Oklahoma City, the Honorable George H. Shirk.

Following are two resolutions adopted by this meeting, articles which subsequently appeared in the Oklahoma City Times and the Daily Oklahoman, and an editorial which appeared in the Oklahoma Journal:

RESOLUTION I

Whereas the Supreme Court of the United States has held that under the U.S. Constitution all citizens of each State are entitled to equal and fair representation in their State legislatures; and

Whereas a special three-judge U.S. district court in Oklahoma City, Okla., has decreed that the Legislature of Oklahoma must be reapportioned to give each citizen, regardless of the place of his residence, an equal voice in the selection of the lawmakers of this State; and

Whereas such constitutional rights for certain citizens have long been denied by the failure of the State legislature to reapportion itself according to the constitution of Oklahoma, as well as the U.S. Constitution; and

Whereas there is pending in Congress certain legislation which has as its purpose the delay and ultimate defeat of the rights of all citizens to fair and equal representation; and such legislation, known as the Tuck bill and the Dirksen-Mansfield amendment, is incompatible with the American sense of fair play and represents an attack upon the ideal of equal representation of all citizens in their State legislatures: Now, therefore, we, the undersigned, do hereby

Resolve, That the Tuck bill and the Dirksen-Mansfield amendment should be defeated so that all citizens may be secure in their constitutional rights and just representation in the State legislatures.

And we further resolve that copies of the foregoing resolution be sent, together with such names that are subscribed thereto, to our representatives in the Congress of the United States.

RESOLUTION III

Whereas the specially constituted Federal district court hearing the Oklahoma legislative reapportionment cases has had its prior decision affirmed on appeal by the U.S. Supreme Court, and such decision required equal representation in both houses of the Oklahoma Legislature; and

Whereas prior to entering its decree, the Federal district court repeatedly emphasized the solemn duty of the legislators to reapportion the Oklahoma Legislature and the court withheld its order of judicial reapportionment until after the 1964 session of the legislature refused to pass reapportionment legislation which would be consistent with the Constitution of Oklahoma and of the United States; and

Whereas there have been scurrilous attacks upon the Federal court, which court courageously performed its judicial duty under the concept that this is a nation whose principles are based on a rule of law, and all persons are bound by such rule of law: Now, therefore, we do hereby

Resolve and hope, That Oklahomans will accept the final decision of the courts which secures equal representation to all of our citizens, regardless of place of residence, and will refrain from any further actions which would tend to lessen our respect for judicial decisions or which would divide Oklahomans to the detriment of our great State.

We do also hope that all fair-minded Oklahomans share our belief that the obtaining of equal legislative representation for all of our citizens is a victory for all citizens and a defeat for none, and that all sections of our State shall together move forward in harmony and mutual respect to the end that our State may benefit therefrom.

[From the Oklahoma City (Okla.) Times, Sept. 1, 1964]

APPORTION SUPPORT

A convincing demonstration of local support for fair reapportionment and concern over threats to it was given by the large attendance at the Monday luncheon of the Emergency Committee for Reapportionment.

Although the luncheon was held on short notice to beat efforts in Congress to cripple reapportionment, more than 170 persons crowded into the session to show support for the cause. Resolutions and petitions to be forwarded to Congress and to our city council were signed by those present.

The hearty applause given as the chairman, Mayor Shirk, introduced such longtime toilers in the reapportionment vineyard as Attorneys Norman Reynolds, Del Stagner, Sid White, and Jack Hewett, and Mrs. Trimble Latting demonstrated Oklahoma City's backing. Mrs. Latting recently was designated by the three-judge Federal court to draw the reapportionment map under which the September 29 elections will be held.

Beyond that the crowd was briefed on the threats to reapportionment under bills now in Congress. These are the Tuck bill which in effect would kill reapportionment, and the Dirksen amendment which would delay it for 16 months.

V. P. Crowe, prominent Oklahoma City attorney who was keynoter for the meeting, pointed out that the latter was a device by which a constitutional amendment to take reapportionment out of the hands of the Federal courts could be rushed through the presently malapportioned legislatures of the States before reapportionment can take place.

Crowe said that a constitutional issue even greater than reapportionment itself was involved here. That is the question of whether Congress just because it doesn't happen to like a Federal court ruling can pass legislation to take the entire matter out of the hands of the courts. He said the Tuck and Dirksen bills would be nothing less than passing laws to take away from the Supreme Court the right to interpret the Constitution—a right fundamental to our system since the earliest day of the Republic.

Particularly in relation to reapportionment, Crowe said, "the right to vote in our society is too important to be stripped of judicial protection."

Reynolds gave a history of the long fight for reapportionment in Oklahoma and stressed that it is "just bunk" to say the courts are acting hastily here.

Those at the meeting agreed to wire or write Senators MONRONEY and EDMONDSON opposing the Tuck and Dirksen measures. Other citizens of Oklahoma County also can help the caues by doing likewise. (Senate Office Building, Washington, D.C.).

[From the Oklahoma Journal, Sept. 1, 1964]

VOTER NEEDS PROTECTION

"Sired by expediency and born from the womb of politics."

That is the description given Monday to the Dirksen amendment to the Tuck bill.

A crowd numbering almost 200 greeted the expression with approbation at a downtown hotel.

They were members of the emergency committee for reapportionment meeting to muster forces in opposition of last-ditch efforts of malapportionment forces to deny the individual his voting rights.

V. P. Crowe, a longtime foe of malapportionment, rang the bell when he declared, "I haven't heard the people complain about reapportionment—it's the politician—the fellow in office."

He pointed out that the Dirksen amendment is aimed at buying time so malapportionment forces can launch further legislation to perpetuate a system the courts have declared to be unconstitutional.

The question naturally comes to mind, Who is the final arbiter in matters dealing with the Constitution—the Supreme Court or Congress?

It was made amply clear at Monday's meeting the individual's right to vote is direly in need of judicial protection in America.

[From the Daily Oklahoman, Sept. 1, 1964]

COMMITTEE URGES VETO OF TUCK BILL

The "emergency committee for reapportionment" Monday launched an attack against pending legislation in the U.S. Senate aimed at stalling Federal court reapportionment orders.

By resolution, the committee urged defeat of the Tuck bill, authored by Representative WILLIAM TUCK, Democrat, of Virginia, and an amendment to the foreign aid bill proposed by Senator EVERETT DIRKSEN, Republican, of Illinois.

The Tuck bill, which passed August 16 in the House, would take reapportionment out of the hands of the Federal courts.

"FREEZE" SOUGHT

The Dirksen amendment would "freeze" all reapportionment under court orders until January 1, 1966.

Copies of the resolution, along with the signatures of about 200 persons attending Monday's meeting, will be sent to members of Oklahoma's congressional delegation. Senator MIKE MONRONEY has said he is in favor of the Dirksen amendment.

The committee also asked the City Council of Oklahoma City to reaffirm its stand on legislative reapportionment. The council has previously passed a strong resolution favoring reapportionment of the State legislature.

VIEWS GIVEN

V. P. Crowe, attorney, told the emergency committee that the Dirksen amendment supposedly would give various State legislatures time to comply with constitutional apportionment provisions.

However, he said, the general supposition is that the amendment's purpose is to give the present malapportioned legislatures time to pass a constitutional amendment to take reapportionment out of the hands of the Federal courts.

This would require approval by 38 legislatures.

Crowe said Congress is invading the right of the U.S. Supreme Court to interpret the Constitution, and asserted that is a more important issue even than reapportionment.

MOVE CALLED THREAT

"It is a threat to the people of this country for the Congress to tell the U.S. Supreme Court how to rule on constitutional questions," he said.

Quoting the High Tribunal itself, Crowe asserted: "The right to vote in this country is too important to strip of judicial protection."

Mayor Shirk, who heads the committee, introduced several persons who have worked actively for reapportionment. They included Norman Reynolds, Del Stagner, Sid White, Jack Hewett and Mrs. Trimble Latting.

Reynolds traced events in the reapportionment controversy, starting back in 1946.

He said the legislature has had plenty of time to reapportion itself, but hasn't and never would.

Those in Georgia who have been working long years for fair apportionment stand opposed to the Dirksen amendment. Following is a letter I have received from Mr. Alva W. Stewart, of Atlanta, Ga., and a statement by Mr. Israel Katz, of Atlanta, counsel for plaintiffs in the pending Georgia legislative reapportionment case, Toombs against Fortson:

ATLANTA, GA.,
August 29, 1964.

Hon. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: As a State correspondent of the National Civic Review and an ardent supporter of the National Municipal League, I wish to go on record as endorsing the June 1964 decision of the U.S. Supreme Court relating to apportionment of State legislatures.

This decision is long overdue and will contribute materially toward giving residents of urban areas throughout the Nation the representation to which they are entitled in their State legislatures. The "one man, one vote" doctrine enunciated by the Court in this decision is a logical corollary of the Court's ruling in *Baker* v. *Carr* (Mar. 1962).

The Federal analogy argument which has been used frequently by so many critics of the Court's decision is not valid for the obvious reason that the cities and counties do not bear the same relationship to the State government as the 50 States bear to the National Government. Our States still possess some degree of sovereignty; our counties and municipalities have never, and do not now, possess this attribute.

For too long a time many of our State legislators have been representing pigs, chickens, and trees rather than people. The representation of nonhuman constituents may have some advantages to the lawmakers, but such representation is patently unfair if it is done at the expense of men and women who are deprived of representation on the State level. As any impartial observer of State government in recent years will admit, thousands of urban residents in almost every State have been deprived of adequate representation in their State legislative bodies.

Like many other Americans, I would rather see these inequities in representation reduced or eliminated by State legislatures instead of the Supreme Court. However, if the legislatures failed to discharge their constitutional mandate to reapportion themselves periodically, I believe the Court is fully justified in ordering reapportionment based entirely upon population.

I hope you will continue your efforts to support the Court's ruling and to oppose the Dirksen proposal or any other proposal which would have the effect of either nullifying or delaying the Court's decision. You can be assured that thousands of students of municipal and State government stand behind you and your Senate colleagues who are exerting their efforts toward defeating the Dirksen proposal.

Sincerely yours,

ALVA W. STEWART.

STATEMENT ON LEGISLATIVE APPORTIONMENT

There was a time in Georgia prior to the *Baker* v. *Carr* decision, when our Georgia House of Representatives controlled by constituencies representing 22 percent of the people, would adopt very regressive legislation. These bills in turn would go over to our State senate, wherein a majority then controlled by constituencies representing approximately 5 percent of the people, would alter such regressive legislation to make it even more regressive. The final bill would then be passed on to our Governor, elected under a county-unit system from constituencies representing 22 percent of the people, whereupon the bill would be signed into law.

Thanks to the Supreme Court decisions in *Baker* v. *Carr* and *Sanders* v. *Gray*, we do not have quite that situation in Georgia today. Yet our house where all revenue and appropriation bills must originate, is still controlled by constituencies containing 22 percent or less of the population of Georgia. Of course, only a majority vote in those constituencies are necessary to elect their representatives, so that it is entirely possible that slightly over 11 percent of the people have the final say-so in the selection of the majority of the representatives to the lower house of the Georgia General Assembly. In January of 1965, our general assembly, so malapportioned, will adopt a $1 billion appropriations bill. The power to tax and spend is of the essence of government, yet the majority of the people have little effective representation in this regard. I am enclosing a self-explanatory affidavit, submitted in *Toombs* v. *Fortson*, the Georgia reapportionment case, which affidavit and table attached gives an idea of the way that a malapportioned legislature avoids meeting the fiscal needs of the people in the more populous areas. Little wonder that we have to increasingly call on Washington to meet unfulfilled needs.

In Georgia, we have the amazing spectacle of our population based body, the Georgia senate, constantly caving in on matters of basic principle, and acquiescing in the position of the lower house, even where the general welfare is diametrically opposed, and where the position of the senate has been diametrically opposed.

For instance, our Georgia senate at its last session, although owing its very existence to the Supreme Court decision in *Baker* v. *Carr*, went along with a house resolution denouncing the U.S. Supreme Court for ruling in apportionment cases. Why? Several of the senators when questioned about their vote, said simply that "We have to work with the lower house, you know, and we thought it would make them feel better, and appreciate that we were friendly to them, if we went along with that resolution." Others more honestly pointed out that their senatorial districts, since becoming based on population, embraced 8, 10, or 12 of the old rural representative districts, not yet reapportioned, and that to adopt any position opposed to that many lower house representatives, was certain to mean stern and swift political reprisal, and probably political death. Although there should only be two, three or at the outside four representative districts in any Georgia senatorial district, based on a population, this goal has not yet been obtained, and the political reality is as stated.

Although the State senate almost unanimously felt that the State school superintendent should be appointed, so as to free this office from political pressures that make it difficult to get the best qualified man, the senate flip-flopped and voted 43 to 9 to have the State school superintendent elected, because this was the position of the rurally dominated lower house. Although the State senate had virtually unanimously voted 2-year terms for the house, and 4-year terms for the senate, the State senate acquiesced that the house would also have 4-year terms because otherwise no legislation could be passed through the lower house. These illustrations could be repeated ad infinitum, and recounted perhaps best by members of the general assembly, who as a practical matter know that you do not have popular based government, where one of the two bodies is thoroughly malapportioned.

For Congress to be so irresponsible as to favor legislation that would permit one of the two houses of the general assembly to be on any basis, however, unrepresentative of the population, is a complete abdication of duty. What this would mean is that the States of this great Nation, would never realize full potential, and harness their full resources in a modern world.

It would also mean that areas wherein States could operate and administer services in a responsible manner, would be circumscribed indeed, and a continuing need for Federal supervision and administration would continue and increase. Those who are truly in favor of local self-government, could not be against letting the majority of a people in a particular State, govern their own destinies. Certainly in a homogeneous type society as that found in Georgia, there is no reason to view the 159 counties as little sovereignties, that need protection against one another, in the same manner that the Thirteen Original States of the Federal Constitution felt that they needed protection, thus resulting in the great compromise over the makeup of the U.S. Senate. It is simply an absurdity propounded, in order to keep an inordinate amount of power into the hands of a discouragingly small percentage of the population. Primarily it is expressed by those who really do not believe in self-government, but who simply want to retain power.

We have had a long fight in Georgia for true representative government, and are on the threshhold of obtaining that type of government for the first time in a hundred years. Our three-judge Federal court has recently ruled that the lower house of the general assembly must reapportion itself in time for the 1966 elections, and that special elections must be held prior to 1966 to insure that a representative lower house takes office at that time. To have the Congress of the United States frustrate this struggle for democracy, is almost beyond what one can bear.

I have no political ambitions, but I entreat the Members of Congress to disdain this last gasp attack on democracy, and instead to support the U.S. Supreme Court, rather than destroy it.

ISRAEL KATZ,
Former President of Active Voters of Georgia, and Counsel for Plaintiffs in Georgia Legislative Reapportionment Case, Toombs v. Fortson, Now Pending.

Following is a statement made before the House Judiciary Committee by Mr. Eugene H. Nickerson, county executive of Nassau County, N.Y.:

AUGUST 12, 1964.

STATEMENT OF EUGENE H. NICKERSON OPPOSING PROPOSALS TO STAY REAPPORTIONMENT BY CONGRESSIONAL ACTION

I am county executive of Nassau County, the most populated county in New York State outside of the city of New York, and a party to the New York reapportionment case now pending in the District Court for the Eastern District of New York. I strongly urge the defeat of the present proposal to frustrate the right of the 1,400,000 citizens of Nassau County and millions of other citizens throughout our State to reapportionment of New York's State Legislature on a constitutional basis.

The New York case, *WMCA* v. *Lomenzo*, was commenced more than 3 years ago, in May of 1961. It has been before the U.S. Supreme Court twice on appeal. The three-judge statutory U.S. District Court for the Southern District of New York has held extensive hearings on the matter both before and after the June 15 decision of the U.S. Supreme Court; hundreds of pages of testimony and scores of exhibits were before that Court.

Republican State officials have used every device possible to delay reapportionment despite the clear ruling of the U.S. Supreme Court that our present New York Legislature and scheme of apportionment was unconstitutional. They have created synthetic difficulties and shouted "impossibility" and "impracticability" although in just a few days in Nassau County attorney's office under my direction and the New York City corporation counsel's office drew maps and devised a full timetable for immediate reapportionment and constitutional elections in November of this year. Although we pressed for immediate reapportionment, the Federal statutory district court has, in what we consider to be extreme deference to sensibilities of State officials, decided not to interfere with elections to be held in November of this year and to permit the present malapportioned legislature to sit for yet another year.

Now it is proposed to deny the individual constitutional rights of our citizens still longer by closing the Federal courts to them, as Senator DIRKSEN proposes, or by suggesting further delay as is proposed in a "compromise" reported in yesterday's New York Times permitting, but not requiring, stays in the Federal courts. Amendment No. 1191, attached to bill H.R. 11380, amends title 28 of the United States Code by requiring a stay "until the end of the second regular session of the legislature" of the State. This means a further denial of our rights for from 2 years until eternity.

I address myself to what I shall refer to as the Dirksen proposal for a mandatory stay. The so-called compromise providing for permissive stays is not as objectionable but it serves no useful purpose. In the first place, as I have already pointed out, the courts already have this power and they have exercised it in New York and elsewhere to deny immediate reapportionment. In the second place, it would constitute an unseemly interference by the Congress in pending litigations in favor of State officials acting unconstitutionally and against individuals whose rights are currently being violated.

The points I would like to make are two. The first is that, any interference by Congress at this stage of these litigations would unfairly deprive millions of citizens of both New York State and the Nation of constitutional rights which they are legally and morally entitled to as of now. The second is that any proposal, such as that of Senator DIRKSEN, derogating from the jurisdiction of the Federal courts, must be condemned as contrary to basic American constitutional principles of judicial review and separation of powers. It strikes at the heart of our traditional process of constitutional adjudication.

We in Nassau County are particularly concerned because it is our residents who are the most discriminated against in the matter of legislative representation of any county in the State of New York. In this respect our plight typifies that of suburban communities throughout the country. While not wishing to regale you gentlemen by a parade of horrible examples, I think a few illustrations of the unfair handicap placed upon us in the State of New York would be helpful in your comprehending why we, in Nassau County, feel so strongly about this matter.

The least populous assembly district in the State is Schuyler County with a citizen population of 14,974. The average assembly district in Nassau County has a citizen population of 212,634—almost 15 times the population of the State's least populous district. The largest assembly district in our county has a citizen population of 314,721—21 times the population of the assembly district composed of Schuyler County.

In the State senate each Nassau County senator represents 2½ times the population of the least populous senate district. Our neighboring Long Island county of Suffolk is disadvantaged even more than we in its representation in the senate. Its single senator represents 650,112 citizens—nearly four times that of the least populous district.

It is thus obvious, as the Supreme Court has found, that the constitutional rights of the people of Nassau County and the State of New York are presently being violated.

What is involved is not only the precious right to vote and the right to equal representation but the protection of the social and economic well-being of the people of our county our State and this country who are presently seriously underrepresented.

We in Nassau County are continually suffering from our lack of equal representation. The denial of proper voting rights to Nassau County residents results in unfair tax burdens being placed on them, in inadequate distribution of funds for education and other important municipal services, such as police, sewage, and transportation required in densely populated suburban areas, and in a failure of the legislature to enact legislation vital to the well-being of Nassau County.

New York State is presently under court order to reapportion by April 1965 in time to hold elections for a constitutionally apportioned legislature in November 1965. With equal and constitutional representation at long last within the grasp of our citizens, it seems anomalous to suspend such action while the political forces, which for so long have unfairly dominated the legislatures of New York and other States, make a desperate last-ditch attempt to protect the rotten borough system they have used to make a mockery of our democratic system of equal voting rights. Gentlemen, it is time, I submit, for all tampering with the votes of American citizens to cease. One test should guide us: "one man—one vote."

The U.S. Supreme Court has determined what is a constitutional apportionment. I have always understood that the Constitution, as interpreted by the Supreme Court, could only be altered by constitutional amendment. Now, however, the attempt is being made by simple act of Congress to forbid citizens to exercise their constitutional rights for a period of at least 2 years. Constitutional rights cannot be so toyed with.

We in New York must now wait 1 more year for a constitutional legislature. To require us to wait longer is unfair, unwarranted—and a betrayal of our constitutional rights.

The Dirksen proposal would have the effect of denying Federal courts original jurisdiction to hear reapportionment cases for a period of time and would also deny the Supreme Court the right to review decisions of the highest State courts in reapportionment cases.

While it would not, theoretically, prevent an application for relief to the State courts, the proponents undoubtedly hope that State courts would not act while the Federal courts were stayed. In view of the supremacy clause of the Constitution, however, it is difficult to see how any State court could refrain from enforcing the U.S. constitutional right to equal apportionment were actions brought in State courts. Denying Federal jurisdiction in these cases would be, therefore, a first sledge hammer blow calculated to cause our Constitution to crumble into 50 separate little constitutions. The Constitution of the United States has endured for almost 175 years—it is, as you know, the world's oldest continuous and operative Constitution. This Nation has always—with one tragic exception, 100 years ago—believed that the Constitution must be finally interpreted by one voice and one voice only. No federal system could exist with each of its component parts deciding for itself what its basic and common constitutional duties and responsibilities mean.

We have long found it far better to adhere to the interpretation of the Constitution by the Supreme Court of the United States rather than to allow it to be interpreted finally by each of the States. This function of judicial review was perhaps best summed up by Mr. Justice Story in the 1816 Supreme Court case of *Martin* v. *Hunter's Lessee*, 1 Wheaton 304, 348, where he stated: "A motive * * * perfectly compatible with the most sincere respect for State tribunals might induce the grant of appellate power over their decisions. That motive is the importance, and even necessity of uniformity of decisions throughout the whole United States, upon all subjects within the purview of the Constitution. Judges of equal learning and integrity, in different States, might differently interpret a statute, or a treaty of the United States, or even the Constitution itself; if there were no revising authority to control these jarring and discordant judgments, and harmonize them into uniformity, the laws, the treaties, and the Constitution of the United States would be different in different States, and might, perhaps, never have precisely the same construction, obligation, or efficacy, in any two States."

While I have no intention of making any jurisprudential statement on the Constitution, as a lawyer, who had the high privilege and honor of serving as law clerk to the Chief Justice of the United States, Harlan F. Stone, I feel obliged to say a few words concerning ex parte McCardle, a decision upon which so much reliance is being put. Few legal historians would today justify as sound the statute which deprived the Supreme Court of its appellate powers in cases arising out of Reconstruction measures.

Indeed, only recently did Mr. Justice Douglas remark that "There is a serious question whether the McCardle case could com-

mand a majority view today" *Glidden Co. v. Idanok,* 370 U.S. 530, 605 (1962) (dissenting opinion).

When it seemed that the Supreme Court would hold invalid some of those harsh and restrictive measures adopted during Reconstruction following the Civil War, Congress limited the power of the Supreme Court. Looking back with the wisdom of 100 years of experience, it is clear that the Supreme Court should not have been muzzled. A free Supreme Court might have corrected abuses and avoided the backlash of unjust repressions of the Negro which has resulted in so many of the race problems which plague us today.

It must be noted that even the doubtful authority of the McCardle case gives no support to the abrogation of Federal jurisdiction to protect the constitutional rights of individuals. That case only involved a limitation on the appellate jurisdiction of the Supreme Court to hear appeals in certain cases decided in lower Federal courts.

The exercise by Congress of its control over Federal jurisdiction must be subject to compliance with the 5th and 14th amendments. Power to control the jurisdiction of the Federal courts must not be so exercised as to deprive any person of life, liberty, or property without due process of law or equal protection under the laws.

Interference by Congress in specific pending cases violates the spirit of article III of the Constitution, vesting "The judicial power of the United States in the Federal courts." The "judicial power," section 2 of article III provides, "shall extend to all cases, in law and equity, arising under this Constitution." The reapportionment cases arise, as you know, under the "equal protection of the laws" clause of the 14th amendment. Thus, the Dirksen proposal, in addition to being unsound, may well be itself unconstitutional.

I urge you gentlemen to remember that the Supreme Court has always been one of the three pillars of our Government. At one time or another liberals have thought it would destroy this Nation, conservatives have thought it would destroy us, labor and business have each condemned it, but all have subsequently recognized that they were wrong and that their liberty and well-being required this great Court to remain free.

We need only cast our thoughts back less than 30 years to recall another era when the Supreme Court was being challenged—then on the ground that it was too conservative. Some of those who then spoke passionately against President Roosevelt's "court packing" bill now urge a "court hamstringing" bill even more corrosive of our constitutional scheme of government. To limit and destroy the power of the Federal courts to protect individual constitutional rights strikes at the heart of the Constitution itself.

This country's theory of freedom and individual rights is under attack both at home and abroad. Now, more than at any time before in our history, we must stand firm and protect our constitutional heritage, our concept of individual right under law. The issue is of transcendental important. Do not, I urge you gentlemen, permit the pique of the moment, or the disagreement of some with a particular decision of the Supreme Court, to furnish the excuse for tearing down the constitutional structure which shelters us all.

Here is a statement on the reapportionment situation in Vermont by Mr. John H. Downs, an attorney in St. Johnsbury, Vt.:

STATEMENT OF JOHN H. DOWNS ABOUT REAPPORTIONMENT IN VERMONT

A Federal three-judge court has ruled that the Vermont Legislature must be reapportioned. Particular attention is directed to the house, a majority of its 246 members, each of whom represents 1 town, being elected by 11 percent of the voters. Such a directive has been long overdue.

The court has given Vermont until April 1, 1965, in which to complete the task. Vermonters have tackled more difficult tasks and solved them in less time.

As a member of the house of representatives since 1961, and chairman of the house ways and means committee in 1963–64, I am satisfied that the job of reapportionment can be done and will be completed promptly so long as it continues to be legally necessary for it to be accomplished.

I oppose Senator DIRKSEN's amendment and any legislative attempt to delay the implementation of the court order, or otherwise to affect the Supreme Court's jurisdiction. I do not agree with Senator AIKEN when he suggests that reapportionment cannot be achieved within the time limit of the present court order.

Most Vermonters who suggest that more time is needed—and I do not include Senator AIKEN among those—desire delay for the sole reason that they hope the passage of time will make any reapportionment unnecessary.

In Vermont there is no compelling reason why the vote of a citizen of our smallest town should have any greater or less weight than the vote of a citizen of our largest city. Vermont is a small State and we are a closely knit people, with proper regard and consideration for the rights of each other. We act expeditiously, even though it hurts, when the necessary goal is clearly indicated.

I hope the U.S. Congress will resist all legislative measures which will delay Vermonters in getting on with the task at hand.

The following is a statement by the League of Women Voters of Oregon in support of one-man, one-vote apportionment for their State legislature:

STATEMENT OF THE LEAGUE OF WOMEN VOTERS OF OREGON

In the November 6, 1962, general election, the League of Women Voters of Oregon opposed an amendment to the constitution which read as a ballot title: "Legislative Apportionment Constitutional Amendment—Purpose: Changes Legislative Apportionment Formula—Creates 30 Permanent Representative Districts—Permits Enlargement of Senate to 35—Enlarges House to 65 or More—Provides for Enforcement."

The league opposes freezing into the constitution fixed representative districts. The "permanent districting plan" would set into the constitution 30 representative districts guaranteed of one representative regardless of population; and would make further provision for 35 additional representatives to be allotted on a population basis; with no constitutional limit set on the size of the house.

Because there will always be fluctuation in the population, the league believes that the mechanics of establishing districts should be statutory and not frozen into the constitution. It opposes guaranteeing representation to a district without regard to population. A major premise in the league stand is that a legislator can represent only people, not geography.

The league's opposition to the area reapportionment plan is based on a position reached in 1952 after 3 years' study of reapportionment.

In 1952 the league cosponsored with the Young Democrats and Young Republicans the initiative petition that became the amendment enforcing reapportionment. The 1952 amendment brought about the first reapportionment in 41 years by requiring reapportionment every 10 years; and enabling appeal to the State supreme court by electors whose degree of representation was so small to be unconstitutional. The judicial review clause of the amendment was used in 1961 when petitioners to the Supreme Court challenged the constitutionality of the 1961 legislature's reapportionment. The appeal was successful, and the Court ordered another plan drawn up by the secretary of state.

There was an effort in the 1957 session to change the method of apportionment adding five representatives and allowing each county at least one. The league opposed the change. Similar proposals have come up repeatedly in the legislature; all of which the league has acted against.

The League of Women Voters of Oregon has as its continuing responsibility the support of apportionment of the legislature on the basis of population.

I have received the following letter from Mr. David Friedland, of Friedland, Schneider & Friedland, Jersey City, N.J., who represents the plaintiffs in the pending New Jersey legislative reapportionment suit:

AUGUST 24, 1964.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I represent the plaintiffs in the suit which has been brought to reapportion the New Jersey Legislature and which has been pending in our State court for approximately 2 years.

I know that you are actively engaged in the battle designed to perserve our constitutional freedoms. I hope that you will understand that it is out of a desire to preserve the integrity of the Supreme Court and to affirmatively secure the establishment of equal voting rights for New Jersey residents, that I address this letter to you. If you desire, you may include these remarks in the CONGRESSIONAL RECORD.

In New Jersey a minority of the people have always been able to control both houses of our State legislature. Presently only 19 percent of the people can elect a majority of the senate, while 46.5 percent of our people can elect a majority of our assembly. The system as applied over the years has resulted in a financial stranglehold on the cities and other areas of major population concentration. All pleas for aid to our cities go unheeded, while measures which favor a minority of the people are passed with ease.

There is no impediment to immediate change in New Jersey. The Supreme Court decision in Reynolds can be implemented immediately without undue haste. In an effort to show that reapportionment could be accomplished in a fair and impartial manner, we solicited the services of the Electronic Business Services Corp. and they prepared several impartial reapportionment plans incorporating the population principle. Numerous plans can be achieved by resort to modern science literally overnight. These plans could be put into full force and effect within a few months. We do not have primary elections in the State of New Jersey until April of 1965. Implementation of the Supreme Court decision would, therefore, not disrupt the electoral process in the State of New Jersey. I have included a copy of our brief which I hope you will read and include as part of my remarks on this matter.

I am quite concerned that the passage of the Dirksen legislation might result in a delay of the effectuation of our constitutional rights. I understand, in fact, that there is no pretense about the legislation. Its declared purpose is to secure a delay of the implementation of federally protected constitutional rights. The delay is sought on the presumption that a constitutional amendment is needed in order to change the effect

of the U.S. Supreme Court decision. In most cases, however, the only people who favor such delays are those who are already entrenched in office and are now at the very last moment grasping for a political stall in order to save their jobs.

I hope that the Senate will not be deceived. I believe that we are involved in a struggle which may ultimately determine whether or not we are a government of the people, by the people, and for the people.

Very truly yours,

DAVID FRIEDLAND.

I have received the following letter from Mr. Upton Sisson, of Gulfport, Miss., who has been active in the reapportionment efforts in that State:

AUGUST 27, 1964.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I am in receipt of a letter from Mr. William J. D. Boyd of the National Municipal League in New York City requesting that I furnish to you any statements or speeches which I have made in connection with legislative reapportionment.

While I have made many speeches on the subject of legislative reapportionment, I have no written copies of the same. I was attorney for the complainants in a suit filed in the chancery court of this State styled *Marvin Fortner, et al.* v. *Ross Barnett, et al.* In my final argument to the court in that case, I made the following statement:

"It has been said that Mississippi is unfair to the Negro; I say that Mississippi is not even fair to its own white people in the matter of legislative reapportionment."

In an amici curiae brief, which I filed in *Baker* v. *Carr*, in the U.S. Supreme Court, I made the following observations:

"Without any thought or intention to reflect, in any way, discredit of any kind upon those fine and substantial citizens who dwell in our rural areas, nevertheless the gravamen of reapportionment cases arises as a controversy, at least to a large extent, between rural and urban areas. The rural areas, on the one hand, strongly oppose their displacement in the dominant political power acquired by them through inheritance and maintained by refusal of relinquishment, while the urban areas, on the other hand, seek equal representation as a fundamental and inherent right under a republican form of government.

"Equal representation is a right under the concept of democracy as guaranteed by the Constitution of the United States, and special favor is tenable neither as a divine nor political privilege. While it is true that nature, in her partiality, designates here and there an individual as the favored recipient of her special endowments, and ordains him to a particular sphere of eminence, it is rarely that she allocates such an array of special talents within the confines of rural areas to the exclusion of urban areas, and on the whole it may be safely assumed that the destiny of the several States will be protected and preserved as well through equal representation as it will by dominant rural minority control. If we must concede preemption by rural minorities in the field of legislative representation, then under what conceiveable theory can the advocates of democracy criticize totalitarianism, and most especially today when the whole world is literally on fire?

"It is indeed a strange manifestation of equity and fairness to demand States rights on the one hand, and at the same time to deny individual rights within the State itself. Obviously these individual rights cannot be salvaged by the people through political resort to the election polls, for the apparent reason that the legislatures will not allow a referendum thereon when so to do would be tantamount to their political demise. Therefore, if relief in the matter of legislative reapportionment is denied by this Court it may not be entirely facetious to predict that some legislatures, assured of their impunity in matters violative of the U.S. Constitution, may shortly grant letters of marque and reprisal, and even perhaps enact bills of attainder against those who dare challenge their authority. And it is feared that in some areas the legislative frustration resulting from the Court's recent nullification of the doctrine of interposition will serve to increase the retaliatory proclivities of such bodies to an extent which might well endanger the enactment of sane legislation, but which condition could, and would, be greatly diluted, if not entirely dissipated upon reapportionment.

"If the purposes of a State constitution are to be effectuated, the popular representation provisions of that instrument must be honored.

"Noncompliance defeats the purpose of the Constitution itself. The judicial role in the problem is one of holding government to its constitutional course.

"A failure to secure compliance with the constitutional mandate regularly to reapportion is not merely a matter of a legislative duty left undone; it is a failure to secure for the people such government as our Constitution assures them they shall have. Where the legislative branch has failed to meet so fundamental a duty, the judicial branch should then act to uphold the Constitution. The policies underlying the structure of the government and the distribution of its powers, are not frustrated but rather are fulfilled by such judicial action."

If you desire to use these statements in connection with your opposition to pending legislation designed to set aside holdings by our U.S. Supreme Court in the matter of reapportionment, you have my permission to do so.

I am also enclosing herewith copy of a letter which I have this day written to Congressman WILLIAM COLMER from the Fifth Congressional District of Mississippi.

Trusting that you will be successful in your endeavor to prevent legislation which would in any way disturb the U.S. Supreme Court holdings on reapportionment, and with kindest regards, I am

Sincerely yours,

UPTON SISSON.

Following is a letter from Mr. Forest Frank, executive director, of the City Charter Committee, Cincinnati, Ohio, and a statement representing the position of that organization in opposition to the measures now pending before the Congress:

CITY CHARTER COMMITTEE,
Cincinnati, Ohio, August 27, 1964.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Because of your expressed interest in the problem presented by current proposals to curb the authority of the Federal courts in reviewing protests against legislative malapportionment, I am enclosing herewith a brief statement of the position of the city charter committee, of which I am executive director.

The city charter committee through its officers was the plaintiff in one of the suits before the Supreme Court, which precipitated the recent wave of criticism against the Court. Membership in the city charter committee is composed of Republicans, Democrats, and independents and is numbered in the thousands. We appeal to you to support our position that the Federal courts must be permitted to retain jurisdiction in these matters and to oppose the current attacks being made on that position.

Respectfully,

FOREST FRANK,
Executive Director.

STATEMENT OF CITY CHARTER COMMITTEE, CINCINNATI, OHIO

Critics of the one-man, one-vote principles underlying recent court decisions in the field of legislative apportionment profess to find little or no connection between the plight of urban areas and the unfair distribution of seats in our State legislatures.

How much actual firsthand knowledge these critics have of either subject, urban problems or legislative malapportionment, is debatable. As an organization with a 40-year history of effort to improve local government the city charter committee, however, speaks with considerable experience. And it is our view that legislative malapportionment is one of the major reasons the city of Cincinnati and Hamilton County, Ohio, today are hamstrung in meeting both current fiscal needs and the greater fiscal problems involved in trying to do justice to human needs of the community.

Such matters as long overdue reorganization of county government, home rule in taxation, annexation, distribution of State-collected taxes originally earmarked for local government, matching funds for relief, aid to dependent children, maintenance of through highways—these are only a beginning of the long list of items in pursuit of which Cincinnati and Hamilton County along with other major Ohio urban areas are periodically frustrated by the Ohio General Assembly. The root of the frustration is the Hanna amendment to the Ohio constitution of 1903—an amendment proposed and adopted for purely political motives—by which Vinton County with barely 10,000 population has the same voice in the House of Representatives of Ohio as Lake County with 150,000 population.

Ohio has 88 counties; its urban population is centered in 16 of these and chiefly in 8 of the 16. The early apportionment provisions of the Ohio constitution (written and adopted in 1851) were reasonable and based largely on a requirement of the original Northwest Territory Act making equality of representation mandatory.

The Hanna amendment by guaranteeing every county one seat in the house of representatives gravely distorted this original plan of apportionment. The distortion has become acute since 1920 until now counties having less than 30 percent of the population of the State are in complete control of the house of representatives. The number of counties which owe their disproportionate influence in the house to the Hanna amendment has grown from 8 in 1910 to 40 in 1920 and 48 in 1964. Contrary to the arguments of the present critics of the Federal court rulings in this area, it was clearly not the intention of Ohio voters in 1851 to guarantee every Ohio county its own representative. In 1851, 13 of the 88 counties lacked the one-half quota of population required to qualify for a seat in the legislature. As a result, the 13 were joined to neighboring counties for the election of representatives. In short, it is apparent that framers of the Ohio constitution in 1851 felt they had gone far enough when they conferred a separate seat on counties possessing only one-half of the normal quota for representation. And it is this position that the Supreme Court in effect has upheld by its decision in our suit requesting repeal of the Hanna amendment.

The representatives of the rural counties of Ohio have repeatedly been asked to permit Ohio citizens to vote on the subject of retention or repeal of the Hanna amendment—and each time they have turned the request down. There is a provision in the Ohio constitution for initiative in these matters—but the terms of the provision are such that without at least token support from a few rural counties, it is impossible to bring the matter on the ballot by initiative petition. Needless to say, no such support is available.

Under the circumstances it is inconceivable that Congress should permit political considerations to undermine the position of the cities of Ohio further—or for that matter the cities of other States discriminated against in this respect.

The city charter committee representing thousands of citizens of both political parties, Republicans and Democrats, as well as independents of neither party affiliation, earnestly urges the Members of Congress to be wary of the unjust position into which they are being persuaded by critics of the Federal courts. In the case of Ohio, the Federal courts have not tried to tell Ohio legislators or Ohio officials how they shall proceed in the business of equitable apportionment. They have merely laid down guidelines that a fair apportionment process should take into consideration. Congress can hardly improve on their handiwork.

REPUBLICAN VICE-PRESIDENTIAL NOMINEE MAKES FALSE CHARGES ON IMMIGRATION REFORM AND ASYLUM FOR REFUGEES FROM COMMUNIST TYRANNY

Mr. HART. Mr. President, most of the problems which concern the electorate of this country and make up the real world of the middle of the 20th century are difficult enough wisely to resolve without exaggeration, innuendo, negativism, half truths, or deliberate confusion. Yet these are precisely the contributions being made by the Republican vice-presidential nominee as he begins his campaign.

In his Labor Day address to citizens of South Bend, Ind., false statements were made in two areas of public concern—immigration reform and asylum for refugees from Communist tyranny. These were echoes of the know-nothing days of American history. There is no justification that I can imagine for turning time back to these days of vision and discord.

According to news reports, the Republican vice-presidential nominee said that the administration's immigration bills would "open the floodgates for virtually any and all who would wish to come and work in this country." He went on to say that if these bills passed the Congress, "the number of immigrants next year will increase threefold and in subsequent years will increase even more." In other words, Mr. President, according to the Republican nominee's estimate, we could anticipate some 1 million immigrants annually. And finally, Mr. President, the Republican nominee laid unemployment and welfare problems at the doorstep of a new immigration policy.

But what are the facts about the administration bill? What are the facts about a bill which carries out the objectives long sought by four American Presidents—President Truman, President Eisenhower, President Kennedy, and President Johnson?

What are the facts about a bill which reflects the stated goals in the past and current platforms of our major political parties, excepting only the retrogressive 1964 Republican platform, which I feel sure has been rejected by so many members of that historic party? What are the facts about proposals to abolish the national origins quota system, which carry with them the support of at least 36 Senators, including such distinguished Republicans as the Senator from New Jersey [Mr. CASE], the Senator from Hawaii [Mr. FONG], the two Senators from New York [Mr. KEATING and Mr. JAVITS], the Senator for California [Mr. KUCHEL], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Pennsylvania [Mr. SCOTT]?

In brief, Mr. President, the facts are these.

The bill represents a consensus of religious, voluntary, labor, and nationality organizations who believe this is the kind of reform needed and long overdue. Contrary to the charge made by the Republican vice-presidential nominee, the proponents of immigration reform have no desire to increase significantly the annual number of immigrants. His charge is absurd and irresponsible, as testimony in the hearing record of the House Judiciary Committee, of which he is a member, indicates clearly.

Nor do we propose to alter the financial, security, and health, or other individual checks on those who would come to our shores. Those who would be a public charge or a threat to our security would continue to be barred from entry.

Certainly we must attack the problem of unemployment and underemployment in this Nation. This is a high priority in President Johnson's program. The solution lies—in part at least—in training the unskilled, in removing racial bars to equal employment opportunities, and in expanding the economy through sound tax and fiscal policies designed to stimulate economic growth. That we have made progress in these areas is on the record for all to see, but with no appreciable help from the Republican ticket. And in my book, selective immigration, on a new and rational basis, can assist this growth.

Mr. President, it serves no useful purpose to make immigration the scapegoat for the problem of unemployment. Such reasoning only generates confusion, perpetuates our problems, creates a false issue, gives cause for doubt among our friends, and ammunition to our enemies on the claimed vitality of our free and democratic society.

Mr. President, the objectives of the bipartisan immigration program, berated by the Republican vice-presidential nominee in fashion designed to play on economic fears and ancient prejudices are modest and right and very American. That is why it claims such widespread support in America's mainstream of morality and commonsense.

What are these objectives? First, to strike from the law books an immigration policy which discriminates against immigrants from eastern and southern Europe, and which carries with it immoral concepts of race superiority.

A newcomer should not arrive at our Nation's door, hat in hand, apologizing for his parentage or birthplace. We have every right to ask him "What can you contribute to America?" And if his contribution promises to be a constructive one, what matters where he comes from. This is the great vice of the national origins quota system.

Second, to remove the difficulties confronting our citizens who seek to bring close relatives into this country. And what could be more just, more desirable and good for society than the preservation of the family unit?

Third, to speed America's growth rate by stressing the entry of skilled and professional persons, with a view toward contributing to national goals in such fields as defense, science, technology, public health, and cultural enrichment.

Fourth, to provide a continuing and flexible authority for the admission of refugees from Communist tyranny—for whom the national Republican nominees profess to have such sympathy.

Mr. President, for Congress to pass an immigration bill with the objectives I have listed, would mark a great achievement for this Nation.

The people of this Nation expect their elected representatives to act with reason, and with faith in America. They expect us to act with skill and ingenuity, and with progress and compassion in the finest traditions of freedom and justice.

Apparently there are those who do not agree with this traditional American approach to things.

Mr. President, the Republican vice presidential nominee also had some things to say about the Cuban refugee program.

He said:

> We cannot continue to subsidize each visiting Cuban family with checks from our Federal Treasury forever.

Well, no one has suggested that, Mr. President—neither President Eisenhower, who began the program of asylum, nor President Kennedy or President Johnson.

But America has given asylum to Cuban refugees and has sought to assist them to lead reasonably normal and productive lives while they remain the guests of America. Asylum for refugees is part of our tradition. To assist them is part of the effort for the security of freedom.

Of the 250,000 Cubans in this country, most are contributing guests in our society.

Only last week the Department of Health, Education, and Welfare informed me that less than 25,000 remained on relief, and the number is decreasing daily. For the Republican nominee to suggest that Federal money is keeping the Cubans alive is an insult

to the industrious refugee, a disservice to competent and experienced administrators of the Cuban refugee program, and a total lack of appreciation for the splendid efforts of America's private voluntary agencies, civic organizations, religious organizations, and individual citizens who have seen fit to put their sense of democracy and freedom to work in a very concrete, living, practical way.

As chairman of the Judiciary Subcommittee on Refugees and Escapees, I assure the American people that the asylum program for Cuban refugees is a story of great success, something of which this Nation and its people should and could be proud. Especially to be commended are the voluntary agencies—Catholic Relief Services of the National Catholic Welfare Conference, Church World Service, United HIAS, and the International Rescue Committee.

I am confident that the strain of compassion that is typically American will survive the onslaught of negativism born of little men, born of suspicion and ignorance, floated at the beginning of a campaign, a campaign which requires that there be a constructive discussion of the issues that confront us, a discussion that will be rich in facts and precision and consistent with the traditions we claim to be ours. I hope in the days ahead that will be so.

ADJOURNMENT

Mr. HART. Mr. President, if there is no further business to come before the Senate, in accordance with the order previously entered, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 31 minutes p.m.), under the previous order, the Senate adjourned until tomorrow, Wednesday, September 9, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 8, 1964:

IN THE AIR FORCE

The following Air Force officers for appointment as permanent professors, U.S. Air Force Academy, under provisions of section 9333(b) title 10, United States Code:

Philip J. Erdle, 23327A
Roland E. Thomas, 73551A
Malham M. Wakin, 47751A

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel subject to qualification therefor as provided by law:

Lowman, John, Jr.
Walker, Carl E.
Baldwin, Robert E.
Roane, Eugene S., Jr.
Paul, John F.
Simmons, David H.
Johnson, Richard W.
Grove, John R.
Codispoti, Gildo S.
Graham, Lawrence L.
Sitter, Carl L.
Leitner, Warren A.
Jerue, George E.
Galbreaith, Don W.
Hammerbeck, Edward E.
Sadler, Mitchell O.
Lemay, John, Jr.
Perkins, Thurman L.
Staples, Murray M.
Motelewski, Joseph R.
Fenton, Francis I., Jr.
Fegan, Joseph C., Jr.
Foxworth, Robert F.
Anglin, Emmett O., Jr.
Brant, Robert E.
Shinn, Leo B.
Dodson, Frederick C.
Corey, Russell E.
Anderson, Nels E.
Brown, Leslie E.
Hubbard, Jay W.
Graham, William M., Jr.
Nesbit, William P.
Greason, Edward H.
Givens, Harry L., Jr.
Greene, Charles H., Jr.
Gross, Leo V. R.
Ryder, Bertram S.
McCarthy, Edward R.
Hogan, Francis C.
Harte, Franklin J.
Brenneman, Richard A.
Bradley, Gilbert D.
White, William K.
Hazlett, Wesley W.
Green, Wiley A.
Dalby, Marion C.
Mulroney, Peter J.
Walker, Charles E.
Greene, Thomas N.
De Long, Phillip C.
Harper, Edwin A.
Maclean, William G., Jr.
Fry, William F.
Castagna, Anthony J.
Sherbondy, Arthur L.
Faser, Karl E.
Haffey, Eugene H.
Keagy, Lowell T.
Shelly, Kermit H.
Gehri, Donald J.
Bonner, Joel E., Jr.
Phillips, William T.
Olson, Virgil D.
Lengel, Dwain L.
Johnston, Oscar B.
Noel, Paul A., Jr.
Rickabaugh, David D.
Horne, Thomas M.
Wortman, Harry D.
MacNeil, John A.
Brewster, David A., Sr.
Matheson, Bruce J.
Hanthorn, Jack E.
Fuss, Paul
Shute, James J.
Padalino, Mauro J.
Lownds, David E.
Loprete, Joseph E.
Antley, William E., Jr.
Sheppard, Frank J.
Kersey, Robert W.
Radics, Emil J.
Pittman, Howard T.
Wilcox, Wilbur D.
Cook, Edward
Mehaffey, Harold N.
Ross, George O.
Frey, Leroy T.
Saxon, Thomas J., Jr.
Peebles, Robert R.
Schmidt, George C., Jr.
Tuma, James W.
Read, Benjamin S.
Quint, Frederick A.
Canton, John S.
Hall, Reverdy M.
Fris, Edward S.
Baird, Robert
Lang, Frank C.
Williams, Walter L.
Sturdevan, Garth K.
Ord, James B., Jr.
Wegley, Don E.
Johnson, Earl W.
Lynch, Robert J., Jr.
Armstrong, Victor A.
La Mar, Robert L.
Mosca, Herbert P., Jr.
Bryant, George M.
Harper, James A.
Ross, Thomas J.
Moriarty, Paul M.
Reed, Edwin O.
Miller, Thomas H., Jr.
Mickelson, Laurel M.
Dair, William G., Jr.
Lehnert, Robert C.
Barbour, Robert J.
Finlayson, Edwin H.

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant subject to qualification therefor as provided by law:

Templeton, Donald L.
Hearney, Richard D.
French, Guy B.
Caskey, Robert D.
Currie, Herbert L.
Hendricks, John B.
Sketoe, James G.
Doxsee, Donald T.
Schnell, Durwood K.
Connor, Charles R.
Sharp, Harry F.
Farrell, Patrick G.
Irons, Jerrold T.
Da Grosa, John B.
Galbraith, William F., Jr.
Harborth, William M.
Lucas, Richard J.
McCoy, Charles B.
Retoske, Denis W.
Riley, Michael B.
Shockey, Donald K., Jr.
Suber, Eddie J., Jr.
Carroll, James O.
Green, Jerry M.
Miller, Jon
Alton, Thomas R. H.
Collins, Melville W., Jr.
Howe, Richard G.
Matthews, James M., Jr.
Oberndorfer, Gerald J.
Toomey, Cornelius R., II
Roane, Everette S.
Tatum, Reiss P.
Badiner, Samuel
Coker, Lee D.
Paul, Dwight A., Jr.
Cobb, Danal J., III
Greene, Lyndol G.
McAdams, Gregory A.
Stron, Walter E., III

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant subject to qualification therefor as provided by law:

Bates, John F.
Burgett, George S.
Burns, Donald E.
Byron, Michael J.
Connell, James E.
Davis, Donald R.
Ek, Steven J.
Heflin, William L.
Litz, Eugene M.
Manning, Douglas E.
Mitchell, James M., Jr.
Pollock, Jimmie R.
Reilly, Michael J.
Thomas, Blake K.
Tompkins, Howell A., Jr.
Walker, Richard W.
Ward, Alexander K.
Watson, John D.
Sears, Kenneth M.
Donoho, Robert C.
Homan, Franklin J., II
McCarthy, Patrick L., Jr.
Cox, Millard
Repp, David M.
Smith, George E., Jr.
Adams, Charles N.
Statler, Frank L., Jr.
Wingenbach, Edward C., III
Rooney, Christopher J.
Brown, Robert W., Jr.
Best, Coy T., Jr.
Carter, Thomas C.
Henson, Jerry L.
Huddleston, Charles R.
Martin, Christopher E.
Morgan, John J., Jr.
McCulley, Michael D.
Graham, Alton G.
Geltz, Robert B.
Nugent, Gerard P., Jr.
Thomas, Ernest A., Jr.
Bianchino, Richard L.
Duffy, Charles J.
Moore, David W.
Shelton, Roy H., Jr.
Barton, Francis J.
Moser, Ervin D.
O'Brien, Paul W.
Rider, Jon K.
Brown, Raul B.
Boyd, Thornton
Barclay, Boyd L.
Cuny, Charles D.
Ek, Paul R.
Sullivan, John A., Jr.
Osborne, Ronald G.
Wellman, Donald A.
Brumbaugh, Clay A.
Libbey, Jacob E.
Archilles, Dennis M.

IN THE AIR FORCE

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Gordon H. Austin, 1207A, Regular Air Force.

Brig. Gen. Ivan W. McElroy, 1338A, Regular Air Force.

Brig. Gen. Horace A. Hanes, 2060A, Regular Air Force.

Brig. Gen. Fred J. Ascani, 4036A, Regular Air Force.

Brig. Gen. Gordon T. Gould, Jr., 4040A, Regular Air Force.

Brig. Gen. Arthur G. Salisbury, 4224A, Regular Air Force.

Brig. Gen. Kenneth E. Pletcher, 19136A, Regular Air Force, medical.

Brig. Gen. Gordon M. Graham, 7761A, Regular Air Force.

Brig. Gen. Harry E. Goldsworthy, 1631A, Regular Air Force.

Brig. Gen. Robert W. Manss, 2713A, Regular Air Force.

Brig. Gen. John D. Lavelle, 4359A, Regular Air Force.

Brig. Gen. Duward L. Crow, 18061A, Regular Air Force.

Brig. Gen. Irving L. Branch, 1557A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Leo F. Dusard, Jr., 1869A (colonel, Regular Air Force), U.S. Air Force.

To be brigadier general

Col. Charles B. Stewart, 1204A, Regular Air Force.

Col. Roland J. Barnick, 1946A, Regular Air Force.

Col. Frank P. Wood, 3928A, Regular Air Force.

Col. John L. Locke, 4042A, Regular Air Force.

Col. Benjamin W. Dunn, 18875A, Regular Air Force, dental.

Col. George E. Brown, 4425A, Regular Air Force.

Col. Albert W. Schinz, 4646A, Regular Air Force.

Col. Robert F. Worley, 4906A, Regular Air Force.

Col. John R. Dyas, 4968A, Regular Air Force.

Col. William C. Lindley, Jr. 5006A, Regular Air Force.

Col. William B. Kyes, 5064A, Regular Air Force.

Col. Robert L. Petit, 5213A, Regular Air Force.

Col. Adrian W. Tolen, 3041A, Regular Air Force.

Col. Ernest L. Ramme, 6360A, Regular Air Force.

Col. Arthur W. Cruikshank, Jr., 8107A, Regular Air Force.

Col. Edward B. Giller, 8696A, Regular Air Force.

Col. William H. Reddell, 8874A, Regular Air Force.

Col. George B. Simler, 9236A, Regular Air Force.

Col. Thomas H. Beeson, 9767A, Regular Air Force.

Col. Richard F. Shaefer, 10096A, Regular Air Force.

Col. Maurice F. Casey, 36992A (major, Regular Air Force), U.S. Air Force.

To be Judge Advocate General

Brig. Gen. Robert W. Manss, 2713A, Regular Air Force, for appointment as the Judge Advocate General, U.S. Air Force, for a period of 4 years beginning Oct. 1, 1964, in the permanent grade of major general in the Regular Air Force. This nomination is made under the provisions of section 8072, title 10 of the United States Code.

To be brigadier general

Brig. Gen. Thomas P. Corwin, AO328499 (colonel, Air Force Reserve), U.S. Air Force, for appointment as a Reserve commissioned officer in the U.S. Air Force in the grade of brigadier general under the provisions of section 8376, title 10, of the United States Code.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be major

Chirafisi, Donald, O61409.

To be captain

Cummings, George P., Jr., O87717.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Alix, Richard R., O92283.
Allen, Gordon W., O94803.
Alley, Norman L., O94665.
Amlong, Thomas K., O98042.
Anderson, Charles E., O90146.
Atkinson, John H., 3d, O99605.
Austin, Thomas S., Jr., O94160.
Avila, Carmelo, O94161.
Axsom, Donald E., O93113.
Baggot, James M., Jr., O93350.
Baker, Tracy, 2d, O92304.
Bartholomew, Alanson D., 2d, O95501.
Bedford, Ben C., Jr., O98570.
Belenski, Alexander B. A., O94804.
Bennett, John L., O94669.
Bergeron, Richard J., Jr., O94670.
Berner, Ronald E., O94805.
Bernier, Ralph D., O93358.
Berry, Terry G., O94511.
Bevis, Coleman O'N., Jr., O94512.
Bodziony, Ronald, O92337.
Bond, John C., O93360.
Bonds, Gerald D., O91767.
Bone, David McK., O94366.
Bosserman, David C., O99486.
Bouton, Peter H., O97282.
Bowling, Ernest R., O92345.
Boyersmith, Joseph C., O92347.
Bradberg, Richard R. O94673.
Bradley, Larry E., O94165.
Britton, Joseph D., O99616.
Brooks, Milton D., O95016.
Brown, Richard L., O99061.
Brown, Wade G., O92364.
Buckley, James M., O92369.
Busby, John F., O92375.
Bush, Charles R., O94675.
Calhoun, Richard W., O99619.
Cameron, Ralph G., O93369.
Canavan, Thomas J., Jr., O98099.
Carroll, Robert H., O94175.
Cartlich, George L., 3d, O94974.
Chinn, Mitchell E., O95139.
Chrissinger, John E., O94519.
Chronis, Nicholas N., O94375.
Cleland, Robert J., O92398.
Conerly, Jerry M., O93377.
Coughlin, James P., O93378.
Coutant, Norman J., Jr., O94679.
Crockett, William R., 2d, O94680.
Crosby, Phillip A., O94521.
Culpepper, George V., O94975.
Danner, Robert F., O99811.
Darcy, Richard E., O94808.
Darlington, Robert D., O94682.
Davison, Daniel P., O94683.
DeBastiani, Richard J., O98058.
Decker, David J., O91407.
DeKeyrel, Burdette L., O92868.
Deryck, John L., O95643.
DeRubbo, Daniel J., Jr., O94186.
Devlin, Owen F., O92433.
Dixon, Richard A., O94684.
Dougherty, Charles H., O94383.
Ebbesen, Samuel E., O93278.
Edwards, Fred C., O94189.
Eggleston, Daniel M., Jr., O99058.
Eppley, Vernon LeR., O94526.
Farley, Joseph I., Jr., O92652.
Flores, Jose M., O94193.
Flory, Richard A., O94387.
Fluer, Larry L., O93403.
Fogarty, Francis P., Jr., O93404.
Furgeson, Charles T., O94528.
Gaun, George A., O99319.
Green, Thomas S., O96991.
Greene, Robert F., O99652.
Greenhaw, Herman H., Jr., O93419.
Guiberson, Ronald M., O94690.
Hamilton, Thomas C., O93423.
Hammett, Jack C., Jr., O93186.
Hanson, Frederick A., O94812.
Hardy, David J., Jr., O94529.
Harmon, David, O92523.
Haulsee, Richard W., O92529.
Hitchcock, Dickey, O94396.
Henthorn, Richard E., O94814.
Holaday, Richard K., O92554.
Holder, Arthur T., O94397.
Hollis, Glenn D., O97873.
Horton, Charles R., O92557.
Horton, James M., O94815.
Howes, Ralph C., Jr., O99331.
Ioanidis, Gabriel, O94399.
Ippolito, Richard, O98071.
Jackson, Allan C., O93205.
Jarrell, Norman D., O92575.
Johannesen, Nils P., O92581.
Johnson, Lewis A., O93210.
Jolley, Bobby L., O97586.
Jones, Nova G., O94694.
Josten, David A., O94208.
Kallina, Gerald F., O94695.
Kara, Miles L., O99251.
Karrer, Robert J., Jr., O99888.
Kenefick, Francis J., O93446.
Kind, Peter A., O93217.
Knight, James R., O94699.
Kobylarz, James M., O98176.
Krapf, Thomas K., O93222.
Kravitz, Lawrence R., O99672.
Lane, Harry G., O94100.
Langhorne, Thomas O., Jr., O92630.
Larens, James M., O94403.
LeFew, Charles F., O99904.
Lemp, James F., O94211.
Lezaj, Edwin G., O92645.
MacKenzie, Thomas S., O98484.
MacStravic, James A., O96775.
Maddox, Edgar D., O94614.
Mannix, Joseph R., O99684.
McBride, Dennis P., O92678.
McCormack, John C., O92682.
McCormick, Allen L., 3d, O94408.
McDonald, Edward M., O97231.
McGough, Robert E., O94409.
McGranahan, Richard E., O93465.
Medley, Thomas J., O97947.
Melendez, Hector N., O94222.
Mercado, Alejandro, O94224.
Miller, George R., Jr., O94706.
Mitchell, Dana W., O92719.
Mitchell, Robert C., O92721.
Moorhead, Michael M., O99696.
Muller, Michael G., O97336.
Naumann, Terrell K., O99697.
Newell, Arthur L., O94709.
Newman, Neil E., O94977.
Nicholls, Deloy H., O94710.
Nunziato, Carl A., O92763.
Olson, Robert R., O92775.
O'Sullivan, John D., O94228.
Owens, Ronald C., O92779.
Patete, Frank M., O95122.
Patterson, Freddie L., O94419.
Pedone, Peter J., O96343.
Perry, Stephen M., O99948.
Petersen, Elwin A., O92796.
Phillips, Billy J., O94826.
Phipps, Allen M., O94827.
Piasecki, Ronald L., O93270.
Poist, Joseph E., O94828.
Polk, Charles B., O94429.
Price, David S., O93893.
Price, Hugh A., O94236.
Prickett, Thomas R., O99713.
Primmer, Ronald R., O94712.
Ranc, Richard D., O97426.
Richardson, James K., Jr., O92829.
Roach, Robert W., O94716.
Roberts, William M., O94238.
Robinson, Thomas W., O97966.
Rusk, James E., O94979.
Russo, Joseph P., O93919.
Saarel, Douglas A., O92855.
Sackowitz, Russell M., O92856.
Scott, James, O93294.
Seery, Joseph P., O97353.
Sewell, Gerald L., O99100.
Sharp, Warren H., O94720.
Shaw, Edward W., O99731.
Shepard, James L., O94721.
Shepherd, William M., O99991.
Shum, Ronald M., O94832.
Simerly, Julian C., Jr., O94723.
Simpson, Jerry J., O99994.
Sindy, Ronald L., O97355.
Smart, Eric E., O99999.
Small, Michael C., O92894.
Smith, Donald J., O92899.
Smith, Edgar D., O93951.
Smith, Robert H., O92902.
Smith, Ted H., O93510.
Smith, Tommy J., O94549.
Smith, William R., Jr., O92906.
Smittle, Nelson D., O95695.
Smock, Jimmie E., O94425.
Sones, Richard A., O99125.
Spicuzza, William L., O97057.
Spisak, John J., O92913.
Solymosy, Edmond S., O94982.
Sponski, John J., O92914.
Staten, Eugene B., O98082.
Storey, Donald L., O94726.
Stump, Charles H., O92093.
Stumpff, Steven O., OF100012.
Sullivan, Dennis B., O95712.
Sulzen, Robert H., O94428.
Sutherland, Ian D. W., O94652.
Tate, Van B., O92948.
Taylor, John C., Jr., OF100015.
Thomas, Everett R., O94835.
Thomas, James M., O93317.
Thompson, Louis M., Jr., O97840.
Thorson, Glen J., O94144.
Threefoot, Philip St. G., O93321.
Thurmond, George H., O93322.
Tierney, James L., O97988.
Tilton, William M., O94555.
Tipton, James D., O98016.
Tison, Weyman B., Jr., O99403.
Toomepuu, Tonu, O92958.
Turner, John A., O94727.
Villines, Larry K., O94728.
Walker, Thomas L., O93327.
Walters, David L., O94837.
Ward, James L., O93328.

Waterson, Robert J., 3d, O92979.
Watson, Walter E., 3d, O94560.
Watt, Murray B., O94561.
Watters, Richard H., O95403.
Watters, Robert A., Jr., O94730.
Weigand, Robert W., O95279.
Weisser, Roland J., Jr., O94838.
Welch, William A., O94839.
Weld, Seth L., 3d, O92982.
Wieting, Gary L., O94731.
Wilkinson, Gordon R., O92995.
Williams, Robert L., Jr., O93541.
Willms, Walter R., O96901.
Winter, Norman E., O95124.
Word, Alan A., O94733.
Wright, Raymond P., O94840.
Wylie, Robert McC., O94563.
Yablon, Stuart H., OF100051.
Yeaney, Jerry D., O94842.
Young, Danny A., O94269.
Zipperer, Frank E., O93346.

To be first lieutenants, Women's Army Corps

Ferrell, Rena M., L625.
Scribner, Elizabeth E., L622.
Seibert, Nancy L., L619.

To be first lieutenants, Medical Service Corps

Berlin, Jack E., O94440.
Carestia, Ralph R., O94806.
Chin, Gordon O., O94518.
Clack, R. C., O93142.
Frickey, Norman G., O96968.
Garrett, Thomas C., O93414.
Green, Thomas, O94196.
Kirkpatrick, Harold C., O95121.
Loryea, Robert S., O99343.
Nesbitt, Earl W., O94708.
O'Barr, Billy J., O95075.
Schultz, Paul L., O94423.
Sheridan, Richard M., O94722.
Spencer, William R., O99501.
Stidham, Paul E., O93309.

To be first lieutenants, Army Nurse Corps

Brice, Betty, N3104.
Saunders, Martha E., N3136.

To be first lieutenant, Army Medical Specialist Corps

Boyer, Helen C., M10197.

The following-named officer for appointment as professor of military art and engineering, U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 and 4333:

Griess, Thomas E., O25533.

The following-named officer for appointment as professor of law, U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 and 4333:

Lough, Frederick C., O21118.

The following-named persons for appointment in the Regular Army by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

To be captains

Boroski, Marvin R. (MSC), O85727.
Fazio, Robert A., Jr. (MSC), O95017.

To be second lieutenant

Kendall, John L. (MSC), O94248.

To be second lieutenant, Medical Service Corps

Goldberg, Bertram (Arty), O95935.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be majors

Mitchell, Willis F., O1917696.
Penn, Raymond B., Jr., O1913226.
Spitz, William M., O1924507.
Williams, Henry G., Jr., O2262872.

To be captains

Anderson, Jack W., Jr., O4006784.
Bouey, John D., Jr., O4046566.
Brill, Herbert W., O4009224.
Bromke, Chester E., O4046738.
Brooks, Herman L., O4034818.
Brooks, Standish O., O1915328.
Buckley, Donald C., O4006138.
Buff, Thomas W., O4074785.
Cobbs, Richard C., O4031204.
Cooper, Ted V., O4043887.
DeMio, Dante C., O4010450.
Dunlap, Roger L., O4063799.
Eisenbarth, Roland W., O5700282.
English, Paul L., O2005168.
Fossett, John L., O1915487.
Fountain, Charles D., O4006146.
Fugit, Daniel S., O1690974.
Fuller, Thomas W., O4031460.
Gaydar, Leonard E., O5202269.
Griffin, Hardy L., O4075802.
Griffiths, Meryl A., O2263679.
Grigg, Vernon C., Jr., O5203586.
Hamilton, John D., O2265474.
Hasting, Richard A., O1919246.
Heck, Norman W., Jr., O5502938.
Holland, Leland J., O4030911.
Holton, Duval G., Jr., O2266350.
Honore, Charles E., O4071290.
Jackson, John D., O4075335.
Johnson, Stanley C., O4040699.
Johnston, James W., Jr., O4030912.
Kirchmaier, Charles S., Jr., O1923049.
Koreski, Rolland A., O5701978.
Litherland, Ivan R., O1890151.
Lockhart, William H., O999399.
Loudermilk, James R., Jr., O5203380.
Mayo, Willie A., Jr., O5303371.
McCarthy, Thomas P., Jr., O4031334.
McCloskey, William J., O4006578.
McCracken, John R., O2103687.
Moore, Robert L., O4006674.
Ott, Luther D., O5401005.
Peterson, Alfred L., O4074314.
Powell, Albert W., O5201564.
Powell, John W., O5201123.
Rosenfield, Joseph N., O4084579.
Sexton, Lionel F., O1932517.
Sposito, Paul, O4034706.
Stronach, Ronald E., O5304074.
Thomas, John A., Jr., O4019070.
Thompson, Mitchell G., O4076188.
Thornton, Olen D., O4060423.
Victor, Henry J., O4011090.
Voelkel, Eugene, O5400859.
Volpe, Joseph J., O2295515.
Vornsand, Glenn E., O1941041.
Waggener, Robert N., O5301565.
Watson, Jay D., Jr., O4050626.
White, Leroy, O4042637.
Williams, James H., Jr., O4049280.
Williams, Jimmie, O4031714.
Wood, Joseph S., Jr., O4021133.
Young, James L., O1935603.

To be first lieutenants

Allen, Kenneth D., O5310844.
Alston, Norman W., O5404880.
Bangerter, Jerald C., O5704195.
Benvenuto, James V., O5213274.
Bias, William K., O5206416.
Bisantz, Anthony E., O5008641.
Bloom, John D., O5508478.
Boliaris, Daniel F., Jr., O5505514.
Bortel, James L., O5508479.
Bosch, Brian J., O5308559.
Cash, John A., O5000349.
Chladek, Gary F., O5514609.
Clinton, James E., III, O5405463.
Collins, Robert M., O5510063.
Dankert, Derald T., O5507401.
Darling, Ivan R., O5507488.
Dearlove, James W., O5007647.
DeYoung, Clarence M., Jr., O5706281.
Dollner, David V. H., O5405512.
Dungan, Avalon L., O5400723.
Fetterolf, Robert J., O5210332.
Fink, Jerry D., O4057558.
Garshak, Francis D., O5207491.
Gay, Andrew M., Jr., O5405659.
Giddens, James L., O5409788.
Gorrell, Stanley L., Jr., O5401099.
Green, William V., O5410554.
Grenier, Paul W., O5009093.
Haddock, Argie E., O5705610.
Hale, Donald E., O5213141.
Hall, Henry W., O5405749.
Hallman, Rodney G., O5402970.
Hambric, John L., O5704852.
Harper, William E., O5402296.
Hazelwood, Robert R., O5410308.
Heyman, William, O5405406.
Holloway, Aubrey J., O5303103.
Hyde, John M., II, O5512365.
Janusz, Edward R., O5008261.
Jewell, James C., O5512005.
Jones, Leonard D., O5306155.
Kail, Richard L., O5509003.
Kaley, Peter M., O4065831.
Kelly, William P., O5007370.
Lacy, William A., O5511446.
Lagasse, Peter F., O2314899.
Laing, Wesley N., Jr., O5210742.
Lehman, Bob E., O4061209.
Leonard, Daniel R., O5507340.
Littlefield, William S., O5010597.
Long, Glenn W., O4075512.
Lyerly, Edward D., O5308461.
Martin, Cary W., O2313357.
Miller, Roger D., O5215083.
Moats, Bruce E., Jr., O5207396.
Morrison, Marvin E., Jr., O2273116.
Mosburg, Henry L., O5307376.
Muenter, Robert H., O5410772.
Murdock, Delon T., O5307115.
Neary, John F., Jr., O5311493.
Neill, James K., O5309294.
Nixon, Charlie J., O5310375.
Oncale, Taylor A., O4071333.
Ostermeier, William F., O5505720.
Paul, Bruce O., O5209128.
Pena, Alfonso V., O5409628.
Penrod, David J., O1941941.
Perkins, Marshall H., O5308224.
Perry, Charles C., O5205255.
Potter, Anthony D., O5001180.
Purvis, Marida R., O5309936.
Quinn, Richard L., O5705650.
Rhoads, David G., O4000488.
Rodriguez, Robert, O5009328.
Rondiak, Roman, O5008401.
Ross, Barry D., O5307689.
Russell, Donald A., Jr., O5209471.
Russell, John R., O5008130.
Ryan, Thomas F., O5512114.
Schafer, Donald D., O5510365.
Sherrod, Dale E., O5402745.
Singleton, Richard, O5304647.
Steiger, Donald W., O5702938.
Stephens, Glen C., O5304383.
Stofft, William A., O5509565.
Stucker, Ronald E., O5216367.
Symons, Rodney W., O5409331.
Tifverman, Lawrence H., O5010929.
Tinsley, Robert C., O5403524.
Trang, Myron L., O5704133.
Trout, Nelson C., O5405641.
Van Zandt, Homer R., O5402319.
Whisler, John C., O5212219.
Williams, Donnie H., O5401008.
Williams, Onus V., O4070623.
Williams, Phillip W., O5314377.
Wilson, Sanford H., O5203909.

To be second lieutenants

Abrams, Creighton W., III, O5013613.
Alberghini, Joseph A., O5010395.
Allen, James E., O5212889.
Armstrong, David B., O5414099.
Baer, James T., O2311229.
Bailey, Richard E.
Berry, Peter T., O5010566.
Bianco, Frederick A., O5207039.
Bowker, Lewis W., O5314827.
Burke, Edward J., O5315064.
Childress, John R., O5515687.
Coleman, Ronald A., O5406135.

Costello, Daniel S., O5215404.
Coty, Adrian P., O5009953.
Craig, David B., O5406206.
Dahoney, Richard H., O5014153.
Esposito, Anthony L., O5018182.
Foley, Paul P., O5010977.
Garofalo, Ferdinand P., O5315210.
Girardot, David C., Jr., O5515782.
Grant, Scott W., O5314466.
Gray, Clyde E., II, O5413600.
Greer, Robert H., O2311438.
Guillen, Luis E., Jr., O5014125.
Hagerty, Neil M., O5007584.
Heying, David R., O5515327.
Hocker, William E., O5219542.
Hull, Vernon R., O5513927.
Kevit, Robert J., O5406216.
Lanier, Jimmy N., O5314664.
Lauder, Ralph H., O5412895.
Lewis, Barry C., O5406262.
Lindsey, David H., O2308947.
Love, Earnest E., O5412610.
Lucas, Kenneth W., O5516434.
Marcum, Leonard G., O5706353.
Marr, Francis C., O5010322.
McDaniel, Quannah L., O2311587.
McGarry, Andrew T., O5010600.
McLaughlin, Michael G., O5216164.
McPherson, Arthur R., O5316242.
Metelko, James E., O5517319.
Meurrens, Bernard E., O5514611.
Milam, Michael M., O5413177.
Miller, Ivan W., O5215082.
Miller, Kenneth A., O5515482.
Miller, William A., O5317382.
Moerbe, Ronald H., O5414383.
Mooney, James E., Jr., O5314596.
Mooradian, Moorad, O2293893.
Morey, Carter, O5315248.
Murray, David B., O5012282.
Nichols, Robert A., O5413603.
Palmer, Charles S., O5313216.
Pate, Robert A., O5315258.
Patterson, William T., O5313691.
Piper, Billy J., O5413842.
Posey, Larry O., O5213862.
Poynter, William D., O5412779.
Radwell, Thomas J., Jr., O5218350.
Ray, Webster D., O5412446.
Reed, Arthur W., O5406069.
Richardson, O'Brene, O5220778.
Ruhmann, Richard A., O5514755.
Rutz, Stephen F., O5217148.
Sands, William D., III, O5316519.
Sharp, Raymond D., Jr., O5314509.
Sheehy, Stephen P., O5215163.
Sherwood, George R., O5215164.
Speaker, Theodore A., O5312482.
Swing, Walter M., O2308220.
Taylor, Kenneth D., O5413384.
Todd, William A., III, 05706989.
Vogels, Bob J., 05313562.
Wager, Joseph S., O5216279.
Wahlbom, Philip C., Jr., O5316706.
Wells, Charles T., O5414311.
Whitehouse, Gregory K., O5412857.
Whitlock, Gary B., O5316251.
Wiggins, Harry R., O5704771.
Winslow, William R., O5216602.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, and 3311:

To be major, Medical Corps

Cohn, Gerald H.

To be major, Medical Service Corps

Huth, Verlan E., O1685569.

To be captain, Army Medical Specialist Corps

Sanchez, Aida N., M2978.

To be captains, Army Nurse Corps

Burton, Cora L., N902864.
Lewis, Margaret A., N2292212.

To be captain, Chaplain

Dimont, Albert M., O2295109.

To be captains, Dental Corps

Chambless, Lewis A., Jr., O5315571.
Cuba, Phillip J., O5518662.
Cucolo, Frank A., O5004777.
Eandiorio, Leo M., O5213593.
Gallegos, Leander T., O2283865.
Hartman, Robert L., O74716.
Leider, Alan S., O5004817.
Loke, Michael W. T., O5306734.
Matalon, Victor, O5707329.
McCormick, Jim L., O5217198.
McDonald, Terry D., O5518253.
Nelson, John F., O2295828.
Oglesby, Erby R., O5301102.
Paquette, Omer E., O5213629.
Shade, Ned L., O5213669.

To be captains, Medical Corps

Buker, Robert H.
Cavalli, Richard E., O2300669.
Edwards, John W., Jr., O3091581.
Kirk, Phillip B., O4056981.
Kopp, Albert A., O5012836.
Liakos, William G., O75672.
Lindberg, Robert F., O5014894.
Mologne, Lewis A., O2288740.
Raia, Theodore J., Jr., O5014737.
Rowland, Robert C., O2313021.
Sosnow, Bertram E., O5217673.
Whitehead, William J., O5312964.

To be captains, Medical Service Corps

Ockert, Carroll A., O4084214.
Vigneault, Marcel L., O4038960.

To be first lieutenant, Army Nurse Corps

Butler, Mary C., N5411243.

To be first lieutenant, Dental Corps

Henry, Samuel W.

To be first lieutenants, Judge Advocate General's Corps

Carlos, Thomas P., O5311828.
Letendre, Robert W., O2313435.
Ray, Paul H., O5405162.
Ream, David, W., O5704289.
Sherwood, John T., Jr., O2344298.
Wente, David O., O2311844.

To be first lieutenants, Medical Corps

Barclay, William A., O2309351.
Barreca, Nicholas E., O5002743.
Bogart, John N., O5312901.
Chenoweth, Richard G., O2309412.
Cudia, Joseph, O2309339.
Hovey, Leslie M., O2313028.
Hunter, John D., Jr., O2309381.
Peck, Morgan S., O2313023.
Robinson, Theodore A., O2313015.
Sacks, Richard P., O2313084.
Stark, Fred R., O2309356.
Woldoff, Mitchell, O2313111.

To be first lieutenants, Medical Service Corps

Ditmars, Dennis L., O2295968.
Malone, Richard L., O2299828.
Servis, Hubert T., O2314588.
Smith, James M., O5306125.

To be first lieutenant, Women's Army Corps

Leibst, Mitzi D., L2304914.

To be second lieutenant, Army Nurse Corps

Woods, Patricia M., N2310130.

To be second lieutenants, Medical Service Corps

Brown, Carl D., O5410843.
Meyer, Gregory C., O5208078.
Rexrode, Robert W., O2308891.
Warner, David J., O2308219.

To be second lieutenant, Women's Army Corps

Cain, Carolyn H., L5317071.

The following-named distinguished military students for appointment in the Regular Army of the United States in the Medical Service Corps, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

Finney, Jackie L.
Murray, James H., Jr.
Ott, Janvier M.
Wiggins, David E.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

Adkins, Theodore W.
Alkire, Monte C.
Auvil, Daniel L.
Battles, Fred C.
Beavers, James A.
Bethel, Lester F., Jr.
Bittenbender, Edward H., Jr.
Bogan, Robert
Bohonak, Michael, Jr.
Botts, Thomas M.
Bradham, Ramon F.
Bradley, Glenwood E.
Braun, Bruce A.
Broer, James M.
Brown, Stanley W., Jr.
Brugge, Robert R.
Bruncsak, Joseph C.
Bunnell, Rodger R.
Cella, James J.
Chun, Kenneth W. H.
Clotfelter, Wayne R.
Code, Ronald L.
Conter, Edward N., III
Cooper, Jackson H., Jr.
Cox, Thomas A., Jr.
Criss, Marshall W.
Cross, Paul W.
Crowder, Lewis H.
Crowe, Bobby N.
deRosset, William S.
Dowdy, James T.
Dukes, Ronnie J.
Eubank, Allan L.
Falconer, Thomas J.
Flowers, James P.
Froemel, Ernest C.
Gaunt, David C.
Gilmore, Lee R.
Glas, Robert E.
Goss, Barry W.
Grant, Thomas R.
Hall, Phillip T., Jr.
Hall, Richard A.
Hall, Wilburn C., Jr.
Hanson, Robert W.
Hayes, Kemp W.
Heeb, Larry J.
Helms, Robert F., II
Hill, Christopher S.
Holder, William B., Jr.
Iglehart, Richard B.
Jefferson, Wilson C., Jr.
Jones, William H.
Jurkus, Anthony F., Jr.
Kalahar, Edward D., O5710054.
Kapke, John H.
Kasner, Michael W.
Kenney, Phillip L.
King, Donald E.
Knightly, John R.
Kolb, Justin C.
Kons, David D.
Lambert, Johnny L.
Lockrem, Bernard J., Jr.
Lohmann, Gary A.
Maas, Alexis
Magnuson, John W.
Mahley, Donald A., II
Mantiply, Samuel W.
Marin, Nels V., Jr.
Maskiell, Robert G.
Massaro, Glenn R.
Matthews, David I.
Matthews, Lorraine C., Jr.
McDonald, Theodore, III
Mevis, Gary L.
Mikkelsen, Morris E.
Moye, Robert J.
Mueller, Edmund L., III
Murphy, Richard D.
Newport, Richard W.
Osborne, Leonard L.
Parham, James B.
Pratto, Charles W.
Prenger, Ronald J.
Proulx, Norbert A.
Rabideau, Dennis G.
Ramsey, Lawrence A., Jr.
Ransberger, Lawrence H., Jr.
Ransdell, Richard N. O5710119.
Rehberg, Clark F., II
Rusch, Ronald A.
Schrimsher, Geoffrey
Schroeder, Galen L.
Sessen, George N.
Shaevitz, Howard
Simmons, Ernest H.
Sinclair, Richard N., II
Spencer, Laird B., Jr.
Sprouse, Marvin E., Jr.
Stender, William H., Jr.
Stevens, Leroy G.
Stracensky, Gary C.
Tarr, Richard C.
Tavernetti, Leonard R.
Thiele, Hans J.
Thorburn, John E.
Uhlenhake, Barry J.
Vande Ven, Martin L.
Vaughan, Ronald W.
Wallace, Gerald O.
Wallace, John R.
Warner, Lance C.
Warren, James F., Jr.
Wells, George W., Jr.
White, Peter H.
Wilhelm, Richard D.
Williams, Arthur F., Jr
Williams, Melvin T.
Williams, William R.
Wood, William R.
Wyatt, LaWayne A.
Yates, Stanley F., Jr.

THE JUDICIARY

Linton M. Collins, of the District of Columbia, to be judge of the U.S. Court of Claims vice Sam E. Whitaker, retired.

DIPLOMATIC SERVICE

Raul H. Castro, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador.

WITHDRAWAL

Executive nomination withdrawn from the Senate September 8, 1964:

I withdraw the nomination sent to the Senate on August 3, 1964, of Erma L. Loose to be postmaster at Dauberville, in the State of Pennsylvania.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 8, 1964:

POSTMASTERS

ALASKA

Noble R. Spees, Galena.
Emery W. Kunkle, Talkeetna.

ARKANSAS

Bonnie L. Houchin, Fisher.
Alfred D. Brannan, Hope.
Virgel A. Guynes, Moro.
Joseph C. Parks, Prairie Grove.
George R. Brister, West Helena.

CALIFORNIA

Roy S. Harris, Bellflower.
Henry H. Neidenbach, Danville.
Katherine B. McClain, El Monte.
David Selcer, Long Beach.
Charles A. Rigoni, Palmdale.
George A. Brook, Redwood City.
M. Dolores Pacheco, Samoa.
Marjory E. Duckworth, Standish.
J. Paul de la Garrigue, Venice.

COLORADO

Elmer D. Vagher, Bristol.

CONNECTICUT

Charles W. Smith, North Franklin.

FLORIDA

Robert A. Mann, Lake Monroe.
John J. Boylan, Lake Worth.
Frederic J. McCabe, Jr., Sharpes.

GEORGIA

Carlos O. Henderson, Alpharetta.
White L. Smith, Bartow.
Evelyn P. Gregory, Clinchfield.
Boyce G. Creel, Doraville.
Marie E. Cox, Junction City.

ILLINOIS

Marco B. Petrunich, Mount Olive.

IOWA

Carson A. Ratliff, Garwin.
William J. Vonderhaar, Humboldt.
Keith C. Wiese, Keystone.
James D. Wilson, Oakland.
Nicholas D. Roach, Rock Rapids.
Larry E. Blair, Rockwell City.
James F. Drew, Waukon.

KANSAS

Dale P. Coleman, Denison.
Orval F. Jordan, Dighton.
William E. Wilson, Mound City.
Billy M. Warren, Oakley.
Douglas H. Innes, Phillipsburg.
Ray Hinnen, Potwin.
Alfred E. Stuteville, Spring Hill.
Donald L. Briggs, Stilwell.

LOUISIANA

Clifford C. Hughes, Dodson.

MAINE

Earlon A. Paine, Bethel.
Shirley M. Burgess, Chebeague Island.

MARYLAND

Betty J. McMullen, Charlestown.

MICHIGAN

Tracy W. Vaughn, Jackson.
Walter E. Marshall, Levering.
Donald W. Schroeder, Ravenna.
Betty M. Rhoades, Washington.

MISSISSIPPI

Orwin J. Scharr, Ocean Springs.
Sammie R. Buchanan, Philipp.
Ora B. Hudnall, Porterville.
Jane W. Head, Stoneville.

MISSOURI

Jeff H. Shiflett, Fayette.
Delbert S. Golden, Rutledge.

NEW YORK

Glen R. Freeborough, Allentown.
Robert K. Baker, Argyle.
Barbara I. Sheeks, Barrytown.
Dick L. Spooner, Brookfield.
Donald M. Griffith, Carthage.
Gordon P. Atwell, Clarence.
Joseph F. Carrigan, East Rockaway.
William H. Allen, Elba.
William P. Hirsch, Fishkill.
Archie C. Raimondi, Glasco.
Muriel J. MacBain, Madison.
James E. O'Donnell, Newcomb.
Edward M. Matus, St. Johnsville.
Andrew J. Burr, Jr., Scio.
Anthony F. Caffrey, Syracuse.

NORTH CAROLINA

W. Frank Beshears, Deep Gap.
David E. Hough, Mount Pleasant.

NORTH DAKOTA

J. Donald Burns, Bowman.
Joseph R. Kihne, Cavalier.
Cecil G. Cordahl, Hatton.

OHIO

Ray L. Chadwell, Amesville.
Joseph J. Scanlon, Cincinnati.
Nelson E. Sundermeier, Cleveland.
Carl J. Boeshart, Danville.
John R. Thompson, Jamestown.
William H. Theisen, Nelsonville.
Eber J. Boysel, West Mansfield.

OKLAHOMA

Helen W. Armstrong, Bowlegs.
Lorenzo S. Eales, Hobart.
Margie D. Kirkpatrick, Kremlin.
Ruby E. Langford, Terral.
P. Allen McDonald, Valliant.

OREGON

Leao M. Johnson, Lyons.

PENNSYLVANIA

Catherine S. Golobish, East Millsboro.

SOUTH CAROLINA

John D. Nettles, Cordova.

SOUTH DAKOTA

Harold A. Loof, Corona.
Garfield C. Kraft, Wessington Springs.

TEXAS

Lloyd L. Bryan, Cross Plains.

VIRGINIA

Frances O. Ashworth, Bristow.

WASHINGTON

Ralph W. Nicholls, Quincy.

WEST VIRGINIA

Lester W. Perry, Jr., Chapmanville.
Roberta L. Price, Rachel.
George E. Teter, Riverton.
Roland Emmett Florence, Washington.
Beatrice K. Smith, Waverly.

WISCONSIN

J. Miles Thompson, Lancaster.

ATOMIC ENERGY AGENCY

The following-named persons to the office indicated:

Glenn T. Seaborg, of California, to be the representative of the United States of America to the eighth session of the General Conference of the International Atomic Energy Agency.

Henry DeWolf Smyth, of New Jersey, to be alternate representative of the United States of America to the eighth session of the General Conference of the International Atomic Energy Agency.

Frank K. Hefner, of Virginia, to be alternate representative of the United States of America to the eighth session of the General Conference of the International Atomic Energy Agency.

John Gorham Palfrey, of New York, to be alternate representative of the United States of America to the eighth session of the General Conference of the International Atomic Energy Agency.

James T. Ramey, of Illinois, to be alternate representative of the United States of America to the eighth session of the General Conference of the International Atomic Energy Agency.

Gerald F. Tape, of Maryland, to be alternate representative of the United States of America to the eighth session of the General Conference of the International Atomic Energy Agency.

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 8, 1964

The House met at 12 o'clock noon.

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

St. Luke 14: 11: *Whosoever exalteth himself shall be abased; and he that humbleth himself shall be exalted.*

Almighty God, may we daily strive to bring our faltering and groping spirits into harmony with Thy divine spirit and learn the secret of victorious and joyous living.

Grant that we may interpret the dealings and dispensations of Thy providence as the messengers of Thy wisdom and grace.

We earnestly beseech Thee that when we stand at the crossroads of life, not knowing the way, we may hear and heed Thy still small voice, saying unto us, "This is the way; he that followeth Me shall not walk in darkness."

Inspire us with a sense of Thy conquering power and strengthen us with that faith which believes that nothing can ever impede the progress of Thy kingdom of truth and righteousness.

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

THE JOURNAL

The Journal of the proceedings of Friday, September 4, 1964, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratchford, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11865. An act to increase benefits under the Federal old-age, survivors, and disability insurance system, to provide child's insurance benefits beyond age 18 while in school, to provide widow's benefits at age 60 on a reduced basis, to provide benefits for certain individuals not otherwise eligible at age 72, to improve the actuarial status of the trust funds, to extend coverage, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. GORE, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

ADJOURNMENT OVER

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it stand adjourned until Thursday next and that when the House adjourns on Thursday it stand adjourned until Monday, September 14.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if anyone can tell the House when this Congress is likely to adjourn so that some of us can go home and do a little campaigning. This apparently is going to be a week utterly wasted from what I now hear. There are Members of Congress—and I am one of them—who cannot order out an Air Force jetplane and take my wife and go out campaigning at taxpayer expense. I would like to hear from someone as to when this Congress expects to adjourn. Does the gentleman have any idea, since he is the appointed spokesman for the leadership?

Mr. McFALL. If the gentleman will yield for that purpose——

Mr. GROSS. Of course.

Mr. McFALL. I do not think anyone can say at the present time when we will adjourn. I do not think there is an answer to the gentleman's question at the moment.

Mr. GROSS. Mr. Speaker, I would still like to have someone, if there is anyone in this Chamber who can do so, tell me how we can waste an entire legislative week at this time and expect to get out of Washington this year.

Mr. HALLECK. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I am glad to yield to the gentleman if he can enlighten us.

Mr. HALLECK. Mr. Speaker, of course I cannot undertake to speak for the majority in respect to the program. I think it is only fair that I should say at this point that the Speaker called me this morning to say that the arrangement that had originally been contemplated to make the request to send the social security bill to conference tomorrow had been abandoned, with the idea that the request would be made next Monday.

In view of the fact that there is no legislative business before the House this week, I told the Speaker that in my opinion, and as far as I was concerned, I would have no objection to adjourning over until Thursday and then from Thursday to Monday. Further, as far as I am concerned, I want to say to the gentleman from Iowa that no one is any more anxious than I to adjourn this Congress sine die. But I am sure also that there is no sense in meeting here if we are to be called upon to consider a lot of legislation that I would be opposed to and that in my opinion should never be brought up. If the other body can get to the point where we can adjourn, from all that I can see, the House of Representatives could move very quickly to adjournment. And certainly I would be for that.

Mr. GROSS. Mr. Speaker, I would say to the distinguished minority leader that someone in the majority leadership ought to take the responsibility for this dilly-dallying and dwaddling that is going on. I say again that we can be here from now until the last of this year under these circumstances. I, for one, do not like it at all. I will say to the gentleman that I shall object to going over from Thursday to Monday; I will not object to going over from today until Thursday. If the gentleman wants to divide his request, I will consent at this time to going over until Thursday, but not from Thursday until Monday.

Mr. McFALL. Mr. Speaker, I shall revise my request and I now ask unanimous consent that when the House adjourns today it stand adjourned to meet on Thursday next.

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

There was no objection.

ELEVENTH ANNUAL REPORT OF CORREGIDOR-BATAAN MEMORIAL COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 360)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the provisions of Public Law 193, Eighty-third Congress, as amended, I hereby transmit to the Congress of the United States the Eleventh Annual Report of the Corregidor-Bataan Memorial Commission for the fiscal year ended June 30, 1964.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 8, 1964.*

TWELFTH SEMIANNUAL REPORT OF OFFICE OF MINERALS EXPLORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I transmit herewith the Twelfth Semiannual Report of the Office of Minerals Exploration from the Secretary of the Interior as prescribed by section 5 of the act of August 21, 1958, entitled "To provide a program for the discovery of the mineral reserves of the United States, its territories and possessions by encouraging exploration for minerals, and for other purposes."

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 8, 1964.*

THE LATE THEODOSIA McKNIGHT JOHNSON

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

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

There was no objection.

Mr. SIKES. Mr. Speaker, "Dodie" the beloved wife of the distinguished Sergeant at Arms of the House of Representatives has passed away. Theodosia McKnight Johnson, wife of Zeake W. Johnson, Sergeant at Arms of the House of Representatives, died early Sunday, September 6, of a heart ailment at Washington Hospital Center. She was 53.

Mrs. Johnson, of soft voice and southern manners, was a popular Capitol guide until illness forced her to retire 3 years ago. The Johnsons lived at 110 Maryland Avenue NE.

A native of Greenville, S.C., Mrs. Johnson attended Furman University and came to Washington in 1931 as aid to the late Representative John J. Mcswain, Democrat, of South Carolina.

She devoted much of her time to work with children at Friendship House on Capitol Hill.

Besides her husband, she is survived by two brothers, Philip K. McKnight, of Winston-Salem, N.C., and Herbert C. McKnight, of 105 W. Linden Street, Alexandria, and a sister, Mrs. R. V. Magill, of Greenville, S.C.

She was a lovely and wonderful person. I think every Member of the House knew her, loved her, and appreciated her. We share the great grief which has come upon Zeake.

The funeral services will be tomorrow, Wednesday, at 2 p.m. at Gawlers on Wisconsin Avenue with interment to follow in Arlington National Cemetery.

I am certain that the House would want me to extend this expression of our regard and sympathy to Zeake Johnson in his very great loss.

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

Mr. SIKES. I yield to my distinguished colleague.

Mr. HALLECK. Mr. Speaker, I was shocked, as I am sure we all were, when I learned this morning of the death of Mrs. Johnson.

Zeake, of course, is well known to all of us and a number here in this body, myself included, have known both the Sergeant at Arms and his late wife for many years. For these fine people the activities here in the Capitol have been a major part of their lives.

It is, as I say, with great sorrow that we learn of Mrs. Johnson's passing.

Mr. Speaker, I thank the gentleman from Florida for calling it to the attention of the Members of the House of Representatives. I join with him in his expression of sympathy.

CHICAGO SUN-TIMES ENDORSES JOHNSON

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial from the Chicago Sun-Times endorsing the election of President Johnson.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, by unanimous consent, I am extending my remarks at this point to include the full text of the editorial in the Chicago Sun-Times of September 8, 1964, endorsing Lyndon Johnson for President. In previous presidential campaigns the Sun-Times had endorsed Republicans, Eisenhower in 1952 and 1956 and Nixon in 1960. The editorial follows:

WHY WE ENDORSE MR. JOHNSON

On June 10—a month before the Republican National Convention at San Francisco—the Sun-Times declared it would support President Johnson's candidacy if Senator BARRY GOLDWATER became the GOP presidential nominee.

That which has happened since has strengthened our conviction that the well-being of America and the peace of the world will be better served by keeping Mr. Johnson in the White House.

The Nation faces a choice between two opposing philosophies of government, a choice that will affect American lives for years to come. We cannot accept the Goldwater philosophy. Neither do we believe the Arizona Senator has the capacity to serve as the Chief Executive of this Nation.

The Sun-Times in 1952 and in 1956 endorsed Dwight D. Eisenhower for President. In 1960 our choice was Richard M. Nixon. This year we are for the Democratic candidates, Mr. Johnson and HUBERT H. HUMPHREY, not because our views have changed but because the Republican Party changed—temporarily, we hope—when it chose GOLDWATER. That change would not thave occurred if the GOP had nominated Gov. William W. Scranton, Gov. Nelson A. Rockefeller, or Gov. George Romney.

The election of President Johnson would mean a continuation of fundamental foreign policies that have guided the United States under both Democratic and Republican administrations since World War II.

GOLDWATER has a long record of opposition to those policies. His record and statements justify the fear that if he were elected, international tensions would increase. What he would do is uncertain since he has been erratic and inconsistent in his discussions of world affairs. He stresses the military rather than the diplomatic approach in solving international problems.

The bipartisan policies followed by Washington in the last few years have not brought total peace but they have avoided total war. Communist aggression has been held in check with force where necessary and with diplomacy where possible. Despite the loss of Cuba to the Communists the free world has been strengthened. Every President in this nuclear age—Mr. Truman, Mr. Eisenhower, Mr. Kennedy, and Mr. Johnson—has been aware of his responsibility to act both with courage and restraint in situations that could bring war.

GOLDWATER alone of the leaders of either party in this country has shown a dangerous casualness toward the use of atomic weapons. He would delegate to military commanders in the field the authority to initiate the use of small tactical nuclear weapons. The authority to push the nuclear button by law belongs only to the President. Considering GOLDWATER's reckless and jingoistic attitude toward the use of nuclear weapons we could not vote for him even if his vague and sometimes conflicting domestic policies were susceptible to rationalization.

We have often disagreed with the Democrats on domestic matters and we expect to disagree from time to time with President Johnson. For example, we believe Mr. Johnson was wrong in pressing Congress to graft a hospitalization plan for the aged on the social security system. But we would rather have a President who is wrong about medicare than one who is wrong about nuclear warfare.

While we disagree and will continue to disagree with some Democratic domestic policies we concede and applaud the fact that Mr. Johnson has proposed a positive program. He has definite ideas about what he believes is necessary to make this country a better place in which to live.

GOLDWATER's program is a negative one. He stresses what he would undo in Government rather than what we would do. His aim, he says, is not to pass laws but to repeal them. Which laws would he abolish? The GOP platform is no help in guessing what Government might be like with GOLDWATER in the White House. The platform promises a continuation of some Federal efforts that GOLDWATER has said should be abolished; for example, in 1960, in "Conscience of a Conservative," GOLDWATER said there should be prompt and final termination of the farm subsidy program. He has now accepted a platform that pledges to continue price supports. GOLDWATER last week said he realizes many changes in Government cannot be made overnight.

We must believe that GOLDWATER would follow his own bent in the White House rather than his party platform. Last January he said that "at best, political platforms are a packet of misinformation and lies." If he is true to his own earlier beliefs, he will make serious overtures to sell TVA and withdraw the Government from some social welfare programs, public power, housing, and urban renewal.

President Johnson has shown an appreciation of the need for prudence in spending. He has helped develop the climate of confidence in which the economy is booming and has attracted support from important elements in the business community. He has come to grips with the problem of poverty that still exists in this most affluent of all societies.

Personality, experience, ability, and knowledge are all factors to be considered in the election of a President.

President Johnson has shown an ability to get things done. He knows the art of politics and that of getting men and women to work with him to bring his programs to realization. He has proved himself to be a masterful leader.

GOLDWATER gives every evidence of the military approach in the handling of his fellow men. He is neither a compromiser nor a persuader. In his victory at San Francisco he permitted no deviation from his extremist line and, it was not until the meeting at Hershey, weeks later, that he made a gesture toward party unity by consulting with the elements he had defeated.

GOLDWATER differed with the 1960 Republican platform and voted contrary to the majority of his Republican colleagues in the Senate on at least 23 occasions. At the San Francisco convention, the American public saw the difference between GOLDWATER and his own party clearly when speaker after speaker praised the Civil Rights Act and took credit for helping pass it. GOLDWATER, their candidate, had voted against it.

GOLDWATER has been the spokesman for an element in America that has been unhappy at the speed and complication of the 20th century; one that distrusts Federal Government even in areas where local government has failed. He attracts groups that resent Negro demands for equal rights.

In their hearts, most Americans, we believe, know that GOLDWATER's election would complicate the race problem, not ease it. Those who would vote for him because they resent Negro civil rights militancy, would neither end the militancy nor help bring about the understanding and harmony that will make it unnecessary. Mr. Johnson, we believe, is better fitted to try to bring about that understanding.

In BARRY GOLDWATER's world the United States is a fearful place in which to live, plagued by centralized planning, redtape, regimentation, and public officials who are leading the Nation into socialism.

He would turn back the clock to a halcyon day. He would return to a day that in reality never existed and cannot exist. Technology, science, our expanding population, the increased mobility of our people, the rising standards of living and education, the demands of Negroes for their constitutional rights, the shrinking of the world in time and space, the changes abroad that have matched the changes here—all have, indeed, made life today more complicated and swifter. We may not like it, but 20th century government must play a role in the lives of everyone.

Since this is so, we would feel more secure, more optimistic and confident of America's future with Mr. Johnson or HUMPHREY in the White House than GOLDWATER or his running mate, WILLIAM E. MILLER. Mr. Johnson is aware of the challenges and problems of our times. We cannot believe GOLDWATER truly understands them.

BREAD TAX PHONY ISSUE

Mr. ANDREWS of North Dakota. 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 North Dakota?

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Speaker, in my job of representing the eastern half of North Dakota, one of the outstanding agricultural areas in our Nation, I periodically run into completely false reports in eastern papers about farmers and food prices.

Currently it seems to be the popular thing to say that the price of bread is going up two cents a loaf because the farmers are getting certificates for their wheat necessitating a large increase in the price of flour. The labeling of a farm program as a "Bread Tax" makes much more difficult the job we have to do in securing sensible and workable farm programs. It is typical, I think, of the distortions and half-truths of those who deliberately want to mispresent the farmer's position in order to further their own selfish ends, and it quite bluntly is just plain not true.

Let us look at the facts. As of the first of this month, the price of flour in New York City was $6.67 a hundredweight, compared to the year-ago price on the same date of $6.42 a hundredweight—an increase of 25 cents per hundredweight or actually only about 4 percent. Since there is only about 2.7 cents worth of flour in a loaf of bread anyway, the increase will amount to about one-tenth of 1 cent per loaf, so if bread prices are increased by 2 cents somebody else is getting 20 times as much as the farmer.

I think we must remember that nowhere in the world are people fed better than America and for less of their total income.

MORE SCANDALS IN THE AREA REDEVELOPMENT ADMINISTRATION

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

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

There was no objection.

Mr. TALCOTT. Mr. Speaker, the September issue of the Reader's Digest contains another article dealing with the Area Redevelopment Administration which exposes incredible mismanagement, bureaucratic blundering, and sordid attempts at coverup. This story is called "When the Bubble Burst in Crockett, Tex.," and it is written by the magazine's Washington editor, Charles Stevenson. It is really a tragic story of a small town that placed its faith in the promises of the Federal Government, and got badly burned for doing so. Briefly, the ARA brought to town a promoter named J. Paul Dawson, who proposed to build a glittering new manufacturing plant costing more than half a million dollars, most of it to come from the Federal Government. Dawson represented himself as president of a firm called "Audio Electronics, Inc." of Houston, Tex., and he proposed to manufacture a wonderful new electronics device that played tape and projected pictures and would be in high demand in the world of education. He proposed to sell 1,300,000 shares of stock to the people in and around Crockett and Houston; and all too many Texans, reassured by the ARA's announcement that it intended to loan $382,000 to Dawson, got stung. The incredible truth as exposed in the Reader's Digest story is that Dawson, at the very time the ARA announced its approval of a loan to him, had pending against him in Montana a suit for stock fraud that grew out of a similar scheme to manufacture a wondrous new electronic painkilling machine, and after it turned out that he did not have clear rights to manufacture the machine, several doctors and dentists who had invested $21,000 in his scheme sued for fraud. What's more, a Montana jury of the Federal district court agreed that they had been defrauded and awarded them a $21,000 verdict.

But there is an even more shocking and portentous involvement of the ARA's adventure in Texas which is not revealed in the Digest article, and which shows the need for a thorough investigation into the agency. The ARA approval of the $382,000 loan to Audio Electronics was announced in Washington on March 6, 1963, by ARA press lease No. 63–83, a copy of which I will insert at the end of my remarks. My own investigation shows that 3 days after this announcement, on March 9, 1963, J. Paul Dawson, the president of Audio Electronics, made a $10,000 cash payment, for which he got no receipt whatsoever, to a mysterious man by the name of Carl Thompson in Los Angeles. On the 12th or 13th, he made another $10,000 cash payment to the same man. Supposedly, this money was to be a sort of "finder's fee" or commission for obtaining a loan of $500,000 to finance Audio Electronics' share of the Crockett factory. According to the district attorney's office in Los Angeles, after the Securities and Exchange Commission commenced its investigation of Audio Electronics, Carl Thompson was called before an SEC hearing on May 22, 1963, and took the fifth amendment on every question asked him about this cash payment. Also, another man by the name of John Keith, who is supposed to have introduced Dawson and Thompson, was called at another hearing on July 26, and he too took the fifth amendment on all questions. Dawson has stated under oath to the Securities and Exchange Commission that Thompson had represented himself as being an official of a wealthy foundation in Los Angeles and could arrange a half-million-dollar loan for the new plant.

However, it is a fact that on March 14, 1963, Robert E. West, regional director of the Small Business Administration, wrote Dawson a formal letter of authorization for the $382,649 loan authorized by the Area Redevelopment Administration. This is an ominous sequence of events: On March 6 the ARA announces the loan, in the interval Dawson, the president of the benefiting company, pays out $20,000 cash in Los Angeles to a mysterious loan broker, and on March 14 Dawson receives his formal letter of authorization which he apparently used in his promotional literature in efforts to sell stock in his Crockett manufacturing plan. There is no evidence that the $20,000 cash was paid to any Federal official. In fact, this may well have been another case of one con man "conning" another, as sometimes happens in the peculiar world of confidence games. However, in view of the unusual and even frantic efforts of the ARA bureaucrats to cover up the facts behind their adventure in Crockett, it seems to me that Congress needs to conduct a thorough investigation to air all the circumstances and facts of this case, to remove every cloud of suspicion, to find out where and how the ARA went wrong, and how the prestige of the White House and the U.S. Senate came to be draped around a man like J. Paul Dawson. The people whose taxes go to pay for this incredible agency deserve to know the truth, the whole truth, about this sordid episode.

[Release by the U.S. Department of Commerce, Mar. 6, 1963]

ARA LOAN TO HELP CREATE 180 NEW JOBS IN ELECTRONICS PLANT AT CROCKETT, TEX.

The Area Redevelopment Administration of the U.S. Department of Commerce today announced approval of a $382,649 industrial loan to help establish an electronics plant employing 180 skilled workers in Crockett, Tex.

ARA Administrator William L. Batt, Jr., said the loan would be made to Audio Electronics, Inc., of Crockett for a plant to produce electronic equipment including sound tape playback and audio-visual projection and recording units used as learning aids.

Total cost of the Crockett project will be $588,691. ARA's loan, which will run for 25 years at an annual interest rate of 4 percent, will be supplemented by a $58,869 loan being made by the Houston County Development Fund, a local nonprofit corporation, and by $147,173 in equity to be furnished by the electronics company. The funds will be used to buy land, construct buildings and to purchase machinery and equipment.

The Small Business Administration investigated the project for the Area Redevelopment Administration and made recommendations to ARA leading to final approval. SBA and ARA have cooperated in this manner on all industrial and commercial projects since the ARA program began 22 months ago.

Crockett is located in Houston County which was designated as eligible to participate in the Area Redevelopment Administration program because of its previous participation in the Rural Areas Development program of the U.S. Department of Agriculture.

SMALL BUSINESS ADMINISTRATION,
Dallas, Tex., March 14, 1963.

Re ARA–297,530–DAL.

AUDIO ELETRONICS, INC.
Houston, Tex.

GENTLEMAN: Enclosed is an authorization for a loan in the amount of $382,649, dated

March 6, 1963, executed by the Administrator, Area Redevelopment Administration, setting forth the approved terms and conditions under which the loan will be made to you.

If the terms and conditions of said authorization are acceptable to you, and if you agree to comply with each and every condition imposed by said authorization, and immediately evidence such acceptance by the execution and return of the acceptance clause set forth on the attached copy of this letter, we will set aside funds in the amount of the authorization for a loan.

Sincerely,

ROBERT E. WEST,
Regional Director.

(Enclosure: Authorization.)

AMENDMENT TO EXEMPT OLD ORDER AMISH FROM SOCIAL SECURITY

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SCHWEIKER] 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 Vermont?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, I call the attention of my colleagues to an important amendment to H.R. 11865 approved by the other body last week. This amendment would exempt sects such as the Old Order Amish from participation in the social security program because their religious doctrines and convictions forbid them to participate in insurance programs. The present law impinges upon the long-established religious beliefs and practices of these people.

In the 87th Congress and again in the present Congress, I have sought enactment of legislation to provide this exemption. I feel strongly that our Government must not ride roughshod over the religious rights of a minority. Such is the case under present law. In 1961 the Federal Government seized three horses belonging to an Amish farmer in Pennsylvania and sold them at public auction to obtain money for social security payments which the man refused to make because of his religious convictions. There are currently numerous Federal liens against property of the Amishmen simply because they have declined to violate their religious beliefs.

Today we are closer than ever before to correcting this wrong. The bill as passed by the other body will be going to conference shortly. I urge my colleagues to join the fight to retain this important amendment in the bill.

The amendment provides that any member of a recognized religious sect, who is an adherent of established teachings by reason of which he is conscientiously opposed to the acceptance of benefits under the social security program, may file an application to waive such benefits and be exempt from social security taxes.

The applicant would submit evidence to the Secretary of the Treasury to substantitate his membership in the sect and his adherence to such teachings. In addition, he would be asked to show that the sect has been in existence and has had such teachings for at least 6 years preceding enactment and that it has been the practice of the sect to make provision for the care of elderly or dependent members. If the requirements for exemption were met, it would become effective for all taxable years after December 31, 1957, but would cease to be effective at any time that an individual no longer met the exemption requirements.

My colleagues will be interested to know that I have been advised by the Treasury Department that legislation to exempt the Old Order Amish from participation in the social security program would be constitutional. In an opinion which I shall insert in the RECORD, General Counsel G. d'Andelot Belin has advised me that "there is no valid constitutional objection to the proposed exemption and that the question of exemption is one of public policy for Congress to determine."

Mr. Belin has further stated that "the proposed exemption would in all probability be held a valid accommodation of the general law to permit religious liberty under the free exercise clause."

Time is of the essence in this matter. The Treasury Department has indicated that it will soon be forced to take further action for the collection of the unpaid taxes. I feel sure a majority of my colleagues share with me the belief that there must be no further incidents like the 1961 seizure and sale of Pennsylvania Amishman Valentine Blyer's work horses. I ask the support of the Members of this body in retaining this amendment. For the benefit of my colleagues, I insert at this point in the RECORD the amendment, part of a background memorandum on this subject prepared jointly by the Department of Health, Education, and Welfare, and the Treasury Department, the opinion to which I referred by Treasury Department General Counsel G. d'Andelot Belin, and an editorial from the Berwick (Pa.) Enterprise of November 7, 1963.

The amendment is as follows:

At the proper place in the bill, insert the following:

"SEC. 117 (a) Subsection (c) of section 1402 of the Internal Revenue Code of 1954 is amended by striking out 'or' at the end of paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof '; or', and by adding after paragraph (5) the following new paragraph:

"'(6) The performance of service by an individual during the period for which an exemption under subsection (h) is effective with respect to him.'

"(b) Subsection (c) of section 211 of the Social Security Act is amended by striking out 'or' at the end of paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof '; or', and by adding after paragraph (5) the following new paragraph:

"'(6) the performance of service by an individual during the period for which an exemption under section 1402(h) of the Internal Revenue Code of 1954 is effective with respect to him.'

"(c) Section 1402 of the Internal Revenue Code of 1954 is further amended by adding at the end thereof the following new subsection:

"'(h) Members of Certain Religious Faiths.—

"'(1) Exemption.—Any individual may file an application (in such form and manner, and with such official, as may be prescribed by regulations under this chapter) for an exemption from the taxes imposed by this chapter if he is a member of a recognized religious sect or division thereof and is an adherent of established tenets or teachings of such sect or division by reason of which he is conscientiously opposed to acceptance of the benefits of any private or public insurance, making payments in the event of death, disability, old-age, or retirement or making payments toward the cost of or providing services for medical care (including the benefits of the insurance system established by title II of the Social Security Act). Such exemption may be granted only if the application contains or is accompanied by

"'(A) such evidence of such individual's membership in, and adherence to the tenets or teachings of, the sect or division thereof as the Secretary or his delegate may require for purposes of determining such individual's compliance with the preceding sentence, and

"'(B) his waiver of all benefits and other payments under title II of the Social Security Act on the basis of his wages and self-employment income as well as all such benefits and other payments to him on the basis of the wages and self-employment income of any other person, and

only if the Secretary of Health, Education, and Welfare finds that

"'(C) such sect or division thereof has the established tenets or teachings referred to in the preceding sentence.

"'(D) it is the practice, and has been for a period of time which he deems to be substantial, for members of such sect or division thereof to make provision for their elderly or dependent members which in his judgment is reasonable in view of their general level of living, and

"'(E) such sect has been in existence and has had such tenets or teachings for not less than 6 full calendar years preceding enactment of this subsection.

"'(2) TIME FOR FILING APPLICATION.—For purposes of this subsection, an application must be filed:

"'(A) in the case of an individual who has self-employment income (determined without regard to this subsection and section 1402(c)(6)) for any taxable year beginning after December 31, 1957, and ending before January 1, 1964, in or before the fourth calendar month beginning after the date of the enactment of this subsection.

"'(B) in any other case, on or before the due date of the return (including any extension thereof) for the first taxable year beginning after December 31, 1963, for which he has self-employment income (so determined).

"'(3) PERIOD FOR WHICH EXEMPTION EFFECTIVE.—A tax exemption pursuant to this subsection with respect to any individual shall be effective for all taxable years beginning after December 31, 1957, but not for any such year prior to the first year for which the requirements of paragraph (1) are met with respect to him; and shall cease to be effective for and after the first taxable year after the filing of such application in which he ceases to meet such requirements.'

"(d) Section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"'WAIVER OF BENEFITS

"'(v) Notwithstanding any other provisions of this title, in the case of any in-

dividual who files a waiver of benefits and other payments under this title as required under section 1402(h) of the Internal Revenue Code of 1954 and is granted a tax exemption thereunder, no benefits or other payments shall be payable under this title to him, and no benefits or other payments under this title shall be payable on the basis of his wages and self-employment income to any other person, after the filing of such waiver; except that, if thereafter such individual's tax exemption under such section 1402(h) ceases to be effective, such waiver shall cease to be applicable in the case of benefits and other payments under this title to the extent based on his self-employment income for and after the first taxable year for which such tax exemption ceases to be effective and on his wages for and after the calendar year (if any) which begins in or with the beginning of such taxable year.'

"(e) If refund or credit of any overpayment resulting from an exemption under section 1402(h) of the Internal Revenue Code of 1954 is prevented on the date of the enactment of this Act, or at any time within one year from such date, by the operation of any law or rule of law, refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year after the date of the enactment of this section. No interest shall be allowed or paid on any overpayment resulting from the enactment of this subsection. In the case of any such refund, any self-employment income with respect to which such overpayment was made shall, notwithstanding the provisions of section 205 of the Social Security Act, not be included in determining entitlement to or amount of any payments under title II of such Act."

REQUEST OF THE OLD ORDER AMISH FOR EXEMPTION FROM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX

BACKGROUND OF THE PROBLEM

The following background information indicates the basic nature of the social security program, the general character of religious objections to participation in social security, and the present situation of the Old Order Amish in relation to social security.

Compulsory nature of social security

The social security program is designed to provide old-age, survivors, and disability insurance protection for American families, regardless of family size, income, or other factors. Under this program workers (and their employers) and the self-employed contribute while working so that the contributor and his family may have a continuing income when earnings cease or are greatly reduced because of retirement in old-age, long-term disability, or death. About 9 out of 10 working people and their families are covered under the program.

Social security can carry out its purpose only under conditions of compulsory coverage. Compulsory coverage assures that there will be a given distribution of what might be called poor risks—those who will get considerably more than they pay in—and good risks. Under a voluntary program, there would be an unduly high proportion of poor risks. Many people could predict with reasonable certainty whether or not they would get a large return on thier contributions and those choosing coverage would generally be the ones who could expect to receive benefit bargains. This would increase the cost of the program for all who participate. Those given a choice as to coverage would have an unfair advantage over those workers and employers whose coverage would continue to be on a compulsory basis and who would have to help bear the increased cost arising from the individual voluntary coverage. Moreover, under individual voluntary coverage, many who need social security protection most would not participate. Many low income workers would choose not to pay the contributions because of the press of day-to-day financial problems, although in the long run social security protection would be especially valuable to such workers and their families.

Individual voluntary coverage is now provided under social security only in respect to services performed in the exercise of the ministry (including the performance of the duties of a Christian Science practitioner). The exclusion from coverage of such services (where coverage is not elected) is not a personal exclusion but an occupational exclusion. Thus, a minister who engages in any employment or self-employment other than the exercise of the ministry—whether or not he elects coverage of his ministerial services—is covered on the same basis as all other persons. Once a minister elects coverage of his services in the ministry, the election is irrevocable and, once the time for election passes, a minister who has not elected coverage may no longer do so.

Religious objections to coverage under social security

Representatives of those divisions of the Amish Mennonites generally classed as Old Order Amish (with some 19,000 adult members) have objected to social security taxes on grounds that social security is a form of insurance, and that their participation in an insurance program would show mistrust in the providence and care of God to meet future needs. This basis for objection is shared by the Old Order Mennonites (about 5,000 members), by at least some of the followers of Father Divine (some 300,000 members), and by an unknown number of small sects, such as the Hutterites (a Mennonite group with 2,300 members, who practice communal living) and the division of the Plymouth Brethren known as Exclusives.

Another religious basis for opposing participation in social security is adherence to a principle of separatism—the belief that one's sect or group should keep apart from all other persons. The Old Order Amish, for example, place great importance on the scriptural admonition: "Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?" Separatism is also a cardinal principle of some groups which have not indicated their attitudes toward social security: for example, the Black Muslims, perhaps the prime exponents of separatism, and Jehovah's Witnesses, with 287,000 members in the United States, all of whom are held by the sect to be ministers. There would seem to be considerable doubt that participation in social security is compatible with the belief of Jehovah's Witnesses that the end of the world is close at hand—1984, at latest—and objections to social security have been received from individual members from time to time.

Each of the above-mentioned groups has come into conflict with Federal or State law on questions other than social security. All oppose compulsory military service, and there have been various other conflicts with State or local laws, such as the refusal of the Old Order Amish to permit their children to attend school beyond the 8th grade, and the refusal of Jehovah's Witnesses and the Black Muslims to salute the flag.

The Christian Science Church opposed provision of disability benefits under social security on religious grounds.

Old Order Amish

The 19,000 Old Order Amish Mennonites live in about 270 communities in 19 States. The communities are known as church districts; however, there are no meeting houses and worship is conducted in private homes. Each community is headed by a bishop. There is no hierarchy above the bishops and no formal organization among the various communities. Thus each bishop is able to interpret doctrine independently of views held in other communities.

Amish who do not belong to old order groups—e.g., a category known as Beachy Amish—have adopted relatively modern ways of living, and are apparently not opposed to social security. There continue to be cleavages in which Old Order Amish communities, or segments of communities, split off to adopt more modern ways of living. One-third or more of the offspring of Old Order Amish parents do not continue in the sect. As in virtually any group there are marginal members, some of whom eventually become separated from the sect. The Amish strive continually to maintain their communities against worldly temptations; an effective means of maintenance has been their stand against high school education and their doctrine of shunning,[1] with its grave economic implications for individuals who are so ill equipped to prosper outside the community.

The Old Order Amish relate practically every detail of their way of living to religious beliefs, which in turn are based on literal interpretation of scriptural texts. The Old Order Amish attempt to pursue a life similar in its course to that of the German peasant of perhaps the 17th or 18th century. The farm way of life is justified on religious grounds because being "in the country" separates the group from more worldly, less firm followers of Scripture. Consideration has been given to the use of nonmechanized farming methods as one way of differentiating (in proposed legislation) the Old Order Amish from other religious objectors to social security. But even among the Old Order Amish there have been various concessions to the changing times. For example, though a tractor may not be used in the field, it is permissible to use a tractor to furnish belt power. The Old Order Amish farmer is generally allowed to have one- or two-cylinder gasoline motors for his farm operations. The Old Order Amish make a significant distinction between owning and merely using modern conveniences. For example, in some communities it is permissible to have electric current and appliances in a mortgaged home but not after the mortgage is paid off. A significant distinction is also made between members of the sect and those who are members of the Amish community but not members of the sect—for example, Amish youngsters, who do not become members of the Old Order Amish until they are baptized (which usually occurs in their later teens). A case has been described in which a young man deferred baptism for a period of time so as to enable continued ownership of an automobile and a tractor, with which he not only provides transportation for his numerous family and neighbors but also works his father's large farm and many of his neighbors.[2]

History of the problem

The problem of the Old Order Amish with social security dates mainly from 1955 when coverage of self-employed farm operators began. (However, some members of the sect who take employment in town have been covered as far back as 1937.) Although the law does not require that social security benefits must be accepted, the Old

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[1] "Amish Society," by John A. Hostetler, p. 144.

[2] "Our Amish Neighbors," by William I. Schreiber, p. 77.

Order Amish bishops assert that required payment of social security taxes obliges their members to participate in the social security program—an insurance program—and thus to act contrary to their religious beliefs. Though the social security tax provisions are not included with the benefit provisions in the Social Security Act, but are part of the Internal Revenue Code, the bishops seem to look upon the social security taxes as in the nature of a personal premium paid for insurance. The bishops believe that their members should pay other types of taxes, pursuant to the scriptural admonition to "render unto Caesar the things that are Caesar's." In general, the creed of the sect (also held by some other groups) dictates that members should obey civil laws except where they "militate against the law, will, and commandments of God."[3]

The religious objection to the insurance principle is not clear cut. For example, the Old Order Amish make systematic arrangements for protection against property loss from fire, storm, and other causes, under which, after a loss occurs, members contribute labor and make a monetary contribution related to their net worth. One such group arrangement, known as the Amish Mutual Fire Insurance Association of Atglen, Pa., was organized by the Old Order Amish of Lancaster County in 1875 and was licensed as an insurance company in Maryland and Pennsylvania. The Old Order Amish do not consider this type of arrangement to be insurance because there is no advance funding. Liability insurance is apparently not considered to be contrary to their religious beliefs—a conclusion based on the view that liability insurance provides indemnity not to the insured but to the party suffering damages. It seems clear, however, that the Old Order Amish are strongly opposed to life insurance even though the survivors, not the insured, are protected under it.[4]

There is no question, of course, as to the sincerity of the assertion of the Old Order Amish bishops that participation in social security is contrary to their religious beliefs, and a number of the Amish farmers carry out this objection to the point of open refusal to pay social security taxes and active resistance to the execution by the Government of liens on their bank accounts to satisfy unpaid taxes. During many discussions with representatives of the Social Security Administration, the bishops have consistently refused to consider any compromise solution short of exclusion from social security coverage. On the other hand, a number of individual members of the sect have claimed old-age insurance benefits under social security when they became eligible for such benefits. It appears that at least some of the Old Order Amish—particularly, younger members—are undergoing a change in attitude toward social security and are coming to regard it as a good thing. This is quite consistent with their increasing acceptance of various innovations of the 20th century.

As noted, the problem of those Old Order Amish who actively resist social security coverage is related mainly (though not entirely) to the social security self-employment tax.[5] The enforcement problem was thrust on the national scene when one Amishman, Valentine Y. Byler, of New Wilmington, Pa., who had no bank account, could not be persuaded to pay his tax for the years 1956–59. In the spring of 1961 the Government seized three of his six plow horses, sold them at public auction, and applied the proceeds against his outstanding liability. After consultation with an attorney who had become interested in civil liberties cases, Mr. Byler brought suit on the grounds of infringement of the freedom of religion guaranteed under the first amendment.

Given assurance that the constitutionality of the tax would be tested in court, and that the statute of limitations on collection of taxes would be waived by the Amish, the Commissioner of Internal Revenue agreed in October 1961, to suspend all forceful collection of tax until the issue was resolved in court. On January 21, 1963, the suit was dismissed with prejudice on motion of the plaintiffs, Mr. and Mrs. Byler. (This action was apparently based on religious objections to participating in litigation, and was taken without consultation with the plaintiff's attorney.) As an alternative course, Old Order Amish bishops appealed to the Congress and bills were introduced during the 87th Congress to exempt them from the tax. The Treasury Department and the Department of Health, Education, and Welfare pointed out objections to these bills on administrative and precedent grounds. During consideration by the 87th Congress of H.R. 10606, the Public Welfare Amendments of 1962, one of these bills (S. 2031) was adopted as a Senate amendment but was dropped in conference. Appended is a list of bills which have been introduced in the 88th Congress for the purpose of permitting exclusion from social security on grounds of religion or conscience, or to make coverage voluntary for self-employed farmers.

Although the suit to test the constitutionality of the self-employment tax as it applies to the Old Order Amish was never tried, the moratorium on the collection of tax has not been terminated by the Internal Revenue Service. According to the most recent report of the Service, there are some 1,500 delinquent Amish accounts, the delinquencies ranging for the most part for periods from 1 to 3 years and involving nearly $250,000 in tax liabilities.

The moratorium was intended as a temporary measure. Since tax liabilities are not satisfied but only postponed by this moratorium, it cannot be extended for too long a period of time. The 6-year period of limitation on collection of tax will expire this year in some cases. Some Old Order Amish have already indicated that they would not sign waivers to extend the collection period. The Government, therefore, in these cases soon will be forced to take action for the collection of taxes due from these individuals or else allow its collection rights to lapse.

TREASURY DEPARTMENT,
Washington, August 12, 1964.

Hon. RICHARD S. SCHWEIKER,
House of Representatives,
Washington, D.C.

DEAR MR. SCHWEIKER: I am enclosing herewith the opinion of Mr. Belin, the General Counsel of the Treasury Department, relating to the constitutionality of optional exemption of members of a certain religious faith from the social security self-employment tax or optional recovery of the tax paid.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

(Enclosure.)

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., August 6, 1964.

CONSTITUTIONALITY OF OPTIONAL EXEMPTION OF MEMBERS OF A CERTAIN RELIGIOUS FAITH FROM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX OR OPTIONAL RECOVERY OF THE TAX PAID

Legislation has been proposed in the present and the previous Congress to provide optional exemption from the social security self-employment tax for "a member or adherent of a recognized religious faith whose established tenets or teachings are such that he cannot in good conscience without violating his faith accept the benefits of insurance," upon a finding by the Secretary of Health, Education, and Welfare that his application for exemption was made in good faith and that the members of such religious faith make adequate provision for elderly members to prevent their becoming public wards.[1] Senators CLARK and SCOTT, among the chief proponents of this legislation, have explained that the faith in question is that of those Amish Mennonites who are known as the plain people or Old Order Amish who live in relative independence and isolation in rural communities and adhere strictly to many literal biblical injunctions, including reliance on divine providence for their care. The consistency and sincerity of the sect is attested to by the refusal of most of their members to accept social security benefits or pay the self-employment tax.

In the consideration of these bills in Congress the question was raised as to whether the proposed exemption would be constitutional and the views of the Treasury Department were requested. This opinion is in response to that request. Since then, additional legislative proposals, including an alternative proposal of relief for the Amish in the form of tax recovery in place of tax exemption, have been discused in a joint statement by the Treasury Department and the Department of Health, Education and Welfare, entitled "Request of the Old Order Amish for Exemption from the Social Security Self-Employment Tax," which was transmitted to interested Members of Congress by a joint letter dated July 20, 1964. In connection with the earlier request, it is also appropriate to consider the constitutionality of these proposals, as well as the constitutionality of the various limitations included, or suggested for inclusion, in the definition of the faith whose members or adherents would be eligible for exemption. The joint statement referred to above reviews the religious tenets and modes of life of these Amish and provides an extended analysis of the social security system and the possible effects of an exemption. I will not, therefore, in this opinion cover any of this fac-

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[3] "The Dordrecht Confession (1632)." In reference to civil government, this confession also directs believers "faithfully to pay it custom, tax, and tribute." One article of the confession forbids defense by force.

[4] The first reference to insurance in basic documents related to Amish religious background appears in "Christian Fundamentals," adopted by the Mennonite General Conference in 1921, which states that "life insurance is inconsistent with filial trust in the providence and care of our heavenly Father." A more recent commentary, in "The Mennonite Encyclopedia," explains: "This refers to commercial life insurance only. The (Mennonite) brotherhood has a growing awareness of its obligation to make systematic provision for the economic needs of its members including financial assistance for the widows and orphans in event of serious incapacity or death."

[5] The self-employment tax rate is now 5.4 percent, and is applicable to the first $4,800 of annual net earnings from self-employment. Virtually all self-employment, except self-employment as a doctor of medicine, is compulsorily covered under social security for any year in which an individual has annual net earnings of at least $400 from self-employment. The current social security tax rate for employers and employees is 3⅝ percent each.

[1] S. 294, 88th Cong.; H.R. 10606, 87th Cong., among others.

tual material. A copy of this joint statement is attached hereto.

Conclusion on tax exemption and tax recovery

My conclusion, based upon a review of the principles of constitutional law, is that there is no valid constitutional objection to the proposed exemption and that the question of exemption is one of public policy for Congress to determine. After discussion of the grounds for this conclusion I will review in the latter part of this opinion the constitutionality of various proposed additional limitations upon the exemption.

This conclusion concerning tax exemption comprehends any provision by Congress for tax recovery, since tax exemption is the most complete relief that could be given. In the subsequent discussion, therefore, the constitutional conclusions with respect to the requirements of uniformity, of the first amendment, and of due process should be read as also extending to a provision for tax recovery.

Congress and the States have provided for the recovery of taxes in various situations where for reasons of public policy the legislature has determined this to be appropriate. I have found no constitutional challenge of these provisions. For example, 26 U.S.C. 6420 provides for refund of the gasoline taxes paid for gasoline used for farming purposes. A similar provision in the Virginia Code, section 58–715 (Supp. 1964), includes refunds for gasoline used for public or nonsectarian school buses. Title 26 U.S.C. 6418 provides for refund of the Federal tax on sugar manufactured in the United States to those who use such sugar as livestock feed or in the distillation of alcohol.

If members of the designated religious faith were permitted to choose to recover in monthly installments the amount, and only the amount, of the social security taxes they have paid, they would be under a limitation which operated to their disadvantage as compared with other social security taxpayers to whom an indefinite amount of social security recovery would be available in the form of insurance. Consequently, it would seem that no other social security taxpayer would be in a position to claim that the tax recovery allowed to the Amish in any way discriminated against his or added to his tax burden.

1. The requirement of uniformity: The Constitution provides in article I, section 8, clause 1: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States; * * *." This canon of uniformity has been long established to be a requirement of geographical uniformity only. *Knowlton* v. *Moore*, 178 U.S. 41 (1900); *Brushaber* v. *Union P.R. Co.*, 240 U.S. 1 (1916); *Fernandez* v. *Wiener*, 326 U.S. 340 (1945). Insofar as uniformity may be required as an element of reasonableness under the due process clause, the problems are dealt with in my discussion of the application of that clause.

2. The first amendment: The proposed exemption, if allowed, would represent a determination by Congress that an accommodation of the self-employment tax law to prevent offense to religious scruples against insurance would not be contrary to public policy. The first amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *." The question is whether an exemption from the social security tax would be constitutional as an accommodation or mitigation of a general requirement in order to permit the free exercise of a religion or whether it would be an "aid" to the specified religion at the expense of other religions and therefore be an unconstitutional establishment of religion.

It is my conclusion that the proposed exemption would in all probability be held to be a valid accommodation of the general law to permit religious liberty under the free exercise clause. The subsidiary question whether the definition of the persons exempted may be a reasonable classification under the due process clause is discussed in a subsequent part of this opinion. I base my conclusion on the following decisions of Federal and State course, particularly the Supreme Court, which interpret the first amendment to permit accommodations to religious beliefs. This discussion will be followed by an analysis of those cases which hold that certain governmental action is a violation of the establishment clause, in order to make clear that this exemption would not be an establishment of religion.

The classic example of the application of the free exercise clause is the series of cases which have upheld congressional exemption of conscientious objectors from military service. The validity of this exemption was first established by the *Selective Draft Law Cases*, 245 U.S. 366 (1918) upholding the exemption in the draft law of members of religious sects "whose tenets prohibited the moral right to engage in war." The Solicitor General had argued (p. 374) that this exemption did not establish such religions but simply aided their free exercise. The court considered that the Congressional authority to provide such exemption was so obvious that it need not argue the point (p. 389–390).

The present Universal Military Training and Service Act enacted June 24, 1948, c. 625, 62 Stat. 604, as amended, in section 6(j), 50 U.S.C. App. 456(j), exempts from combatant training and service in the Armed Forces a person "who by reason of religious training and belief, is conscientiously opposed to participation in war in any form." This exemption continues to be recognized as constitutional under the free exercise clause. *Clark* v. *United States*, 236 F. 2d 13 (9th Cir. 1956), cert. denied, 352 U.S. 882 (1956); *United States* v. *Jakobson*, 325 F. 2d 409 (2d Cir. 1963), cert. granted 32 L.W. 3385, May 5, 1964. Certiorari was granted in the Jakobson case and in two other conscientious objector cases,[2] apparently in order to reconcile the conflict between the second and ninth circuits as to whether the statutory definition of "religious training and belief" as being a "belief in a relation to a Supreme Being" may constitutionally be applied to exclude a conscientious objector whose belief is based on humanistic prinicples. This conflict is one essentially concerned with reasonable classification of an exemption under the due process clause, discussed below. It does not concern the constiutional right of Congress to exempt conscientious objectors under the free exercise clause.

In the Jakobson case the second circuit faced the problem whether "making exemption from military service turn on religious training and belief as stated in section 6(j) aids religions, and more particularly religions based on a belief in the existence of God" (p. 414) and thereby conflicts with the holding in *Torcaso* v. *Watkins*, 367 U.S. 488 (1961). There it was determined that Maryland could not require an oath affirming a belief in God as a prerequisite to becoming a notary public. The Jakobson court concluded that "the important distinction seems to us to be that, in contrast to Maryland's notary public oath, Congress enacted this statute, in mitigation of what we assume to be the constitutionally permissible course of denying exemptions to all objectors, for the very purpose of protecting 'the free exercise' of religion by those whose religious beliefs were incompatible with military service which Congress had the right to require" (pp. 414–415).

An exemption identical with that in the 1948 military training act was specifically included in section 337(a) of the Immigration and Naturalization Act of June 27, 1952, c. 477, 66 Stat. 163, 258, 8 U.S.C. 1448(a). This statutory exemption followed the decision of the Supreme Court in *Girouard* v. *United States*, 328 U.S. 61 (1946) ruling that the naturalization law need not be, and should not be, interpreted to exclude an alien who would not promise to bear arms because of religious scruples. Justice Douglas, for the majority, reaffirming principles enunciated in earlier dissents by Justices Hughes and Holmes, said, "The struggle for religious liberty has through the centuries been an effort to accommodate the demands of the state to the conscience of the individual" (p. 68).

The general exemption from taxation of religious groups, activities and property is another example of the exercise by legislatures of the constitutional authority to make exemptions to aid in the free exercise of religion, which continues to be upheld against contentions that the exemption operates to establish the religions thus benefitted.[3] Under this exemption a unique religious doctrine may make an activity of one religious group exempt as having a religious purpose which would not be exempt when carried on by other groups not holding to that doctrine.[4] The exemption from taxation of religious activities and occupations is incorporated into the Social Security Act itself which provides optional exemptions for ministers, Christian Science practitioners, employees of religious organizations and members of religious orders (26 U.S.C. 1402 (c) and (e) and 3121(b)(8)).

A further illustration of the principle that a legislature may accommodate particular religious beliefs without violating the first amendment is the case of *Zorach* v. *Clauson*, 343 U.S. 306 (1952). Here the Supreme Court held that the New York Legislature did not violate the establishment clause by authorizing public schools to release children 1 hour early every week for religious instruction off the school grounds. It said:

"When the State encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs" (pp. 313–314).

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[2] *United States* v. *Seeger*, 326 F. 2d 846 (2d Cir. 1964), and the *Jakobson* case, compared with *Peter* v. *United States*, 324 F. 2d 173 (9th Cir. 1963). The *Peter* case followed *Etcheverry* v. *United States*, 320 F. 2d 873 (9th Cir. 1963) on which certiorari was denied, 375 U.S. 320 (1963). The influence of the 2d circuit against the definition is shown in *MacMurray* v. *United States*, 330 F. 2d 928 (9th Cir. 1964).

[3] *Swallow* v. *United States*, 325 F. 2d 97 (10th cir. 1963); *General Finance Corp.* v. *Archetto* (R.I. 1961) 176 A. 2d 73, appeal dismissed, 369 U.S. 423 (1962); *Fellowship of Humanity* v. *County of Alameda*, 315 P. 2d 394 (Cal. Dist. Ct. App. 1957); *Lundberg* v. *County of Alameda*, 298 P. 2d 1 (Cal. 1956), appeal dismissed, sub nom., *Heisey* v. *County of Alameda*, 352 U.S. 921 (1956).

[4] "Golden Rule Church Association," 41 T.C. 719 (1964), (Nonacq. May 19, 1964).

The distinction between *Zorach and McCollum* v. *Board of Education*, 333 U.S. 203 (1948) well illustrates the distinction between the two first amendment clauses for in McCollum the released time plan was held unconstitutional as an establishment of religion as classrooms and the force of the school were used in that plan.

The most important case, for our purposes, is the recent Supreme Court decision in *Sherbert* v. *Verner*, 374 U.S. 398 (1963). In this case the Court required South Carolina to accommodate the requirements of its unemployment compensation law to the religious scruples of an adherent of a particular sect, the Seventh-day Adventists. In three separate opinions the members of the Court balanced the demands of the free exercise clause against the prohibitions of the establishment clause. The opinion and the concurring opinion determined that the denial of unemployment benefits to a person unavailable for suitable work on Saturday because, being an Adventist she could not for religious beliefs work on Saturday, was a restriction on the free exercise of her religion and, therefore, unconstitutional. The dissenting opinion contended that the accommodation of Adventists was a question of policy for the legislature and that while the legislature could constitutionally exempt the Adventist from the requirements for eligibility placed upon all other persons the legislature was not required to do so. Consequently, the full Court apparently would agree that Congress could constitutionally make an exemption from the general requirements of taxation and compulsory insurance of persons who because of religious scruples are unwilling to accept social security insurance. It is solely the constitutional ability of Congress to make this exemption to which this opinion is addressed.

The reasoning in the Sherbert case needs to be examined as it bears upon the power of Congress in this area. The principle of accommodation of a general law to a particular religious scruple is the same in this situation as in Sherbert though the facts differ in that in the Sherbert case the accommodation was for the purpose of enabling the Adventist to receive welfare benefits and in the Amish situation the accommodation would be for the purpose of exempting the Amish from benefits as well as from taxation for these benefits.

First, the Court says that while "the consequences of such a disqualification to religious principles and practices may be only an indirect result of welfare legislation" and that no criminal sanctions compel work on Saturday, the indirect discrimination is nevertheless a burden on the free exercise of the Adventist's religion. It requires her to abandon her religious precept or forgo a welfare benefit generally available (pp. 403, 404). In the social security situation the employment tax is supported by civil and criminal sanctions of assessed penalties and fine, imprisonment and forfeiture, so that the justification for congressional relief is even clearer.

Second, the court points out that while the State may not discriminate invidiously between religions the accommodations required to be allowed to the Adventist would not be discriminatory but rather would remove a discrimination based upon her religion, since the law does not disqualify persons who do not work on Sundays (at 406). An exemption for those sects which cannot in good conscience accept the insurance for which they are taxed would not be an invidious discrimination against other religions which have no such scruple and whose members are therefore able to accept the insurance for which they are taxed.

Third, the court points out that the administrative problems concerned and the possibility of spurious claims do not justify a restriction on the free exercise of religion (at 407).

Then the court concludes (at 409) that its holding does not foster the "establishment" of the Seventh-day Adventist religion in South Carolina for the extension of unemployment benefits to Adventists is not like the involvement of religions with secular institutions which the establishment clause is designed to forestall as shown in its decision announced the same day, *School District of Abington Township* v. *Schempp*, 374 U.S. 203 (June 17, 1963). In fact the Sherbert ruling reversed the State court ruling that allowance for the religious obligation of the Adventist would be an unconstitutional discrimination in her favor. See *Sherbert* v. *Verner*, 240 S.C. 286, 125 S.E. 2d 737, 746 (1962).

In the Schempp and its companion case, *Murray* v. *Curlett*, decided with the same opinion, the court found that the States were establishing religion in their public schools by requiring Bible reading and the recitation of prayers therein. These decisions are developments of the prior term's opinion in *Engel* v. *Vitale*, 370 U.S. 421 (1962) holding that the requirement of recitation in the public schools of a State-authored prayer was a violation of the establishment clause which prohibits Government from placing its "power, prestige, and financial support * * * behind a particular religious belief" (p. 431). In the Schempp case the court develops the idea that Government must remain "neutral," a term derived from the 5-to-4 decision in *Everson* v. *Board of Education*, 330 U.S. 1 (1947). In its context in the several establishment cases this term means an inability of the State to use its powers to require religious observances or to use public funds for the support of religious institutions. None of the holdings applies the establishment clause to forbid the granting of an exemption from Government coercion of a secular action to accommodate religious scruples under the free exercise clause. The latter clause is predicated, says the Schempp court, on Government coercion which impinges on religious practice, 374 U.S. at 223. The distinction between these two historic lines of decisions has permitted the Schempp case to be decided consistently with the Sherbert case on the same day.

In sum, then, an exemption removes a handicap to the free exercise of a particular religion placed upon it by force of Government; it is not a requirement by the Government that the particular religion be practiced or observed or supported by nonadherents.

The meaning of the Sherbert case is made unmistakable in its application by the court in the recent case, *In re Jenison*, 375 U.S. 14 (1963). Here the court "in the light of *Sherbert* v. *Verner*" vacated the judgment of the Minnesota Supreme Court in *In re Jenison*, 265 Minn. 96, 120 N.W. 2d 515 (1963). The Minnesota court had held a person selected for jury duty in contempt of court for refusing to serve on the jury because of a religious belief based upon the biblical injunction against judging other persons. The Minnesota court had reasoned that jury duty, being a primary duty of all citizens, was superior to a religious belief deemed by the court contrary to public order, citing *Reynolds* v. *United States*, 98 U.S. 145 (1878) which held that Congress could prohibit polygamy as a violation of the social order.

Since the Supreme Court has now held that Government must accommodate even the highest duties of citizens to sincere religious scruples, it is probable that it would hold that Congress may accommodate the religious scruple against insurance by allowing for such a scruple an optional exemption, or a lesser form of relief, from social security taxation and benefits.

3. The due process clause: Under the due process clause of the fifth amendment tax statutes must provide reasonable classifications of the subjects taxed or regulated and reasonable exemptions, if exemptions are provided. But, as has been firmly established by the Supreme Court, particularly in cases upholding the various exemptions provided in the Social Security Act and State unemployment compensation acts (*Carmichael* v. *Southern Coal Co.*, 301 U.S. 495 (1937); *Steward Machine Company* v. *Davis*, 301 U.S. 543 (1937); *Helvering* v. *Davis*, 301 U.S. 619 (1937)), the outer bounds of what is a reasonable tax or exemption classification allow a wider play of legislative judgment than many other areas of the law where the "reasonable" standard is applied. In these cases the court assured legislatures that they had the widest powers of selection and classification in taxing some at one rate, others at another and exempting others altogether, where distinctions were based upon "considerations of policy and practical convenience."

Claims of discriminatory treatment under social security continue to be rejected as not "patently arbitrary." *Flemming* v. *Nestor*, 363 U.S. 603, 611 (1960). Recently, *Smart* v. *United States*, 222 F. Supp. 65 (S.D.N.Y. 1963), upheld a higher tax on (American) employees of the United Nations, as the means employed bore a substantial and logical relation to the objective; and *Lesson* v. *Celebrezze*, 225 F. Supp. 527 (E.D.N.Y. 1963), accepted differences in dependency determination for children of a deceased mother from that for children of a deceased father, based on family support experience. See also *Cape Shore Fish Co.* v. *United States*, 330 F. 2d 961 (Ct. Cl. 1964), and *Abney* v. *Campbell*, 206 F. 2d 836 (5th Cir. 1953) on fishing vessel employment differences and on domestic service differences respectively.

The requirement that exemptions have a reasonable basis applies as well to exemptions based upon religious scruples provided by Congress in conformity with the first amendment. In a nontax area this requirement has been recently reviewed in the second circuit decisions, pending review in the Supreme Court, on the reasonableness of the selective service definition of religious training and belief as being confined to belief in a Supreme Being. *United States* v. *Jakobson*, 325 F. 2d 409 (2d Cir. 1963) and *United States* v. *Seeger*, 326 F. 2d 846 (2d Cir. 1964); certiorari granted in both cases, 32 L.W. 3385, May 5, 1964. In these cases the court determined that an exemption from bearing arms based on religious belief was a constitutional accommodation of religion, but that a restriction of the definition of religion to a Supreme Being was too narrow in view of its conclusion that a conscience sincerely compelled to refrain from bearing arms because of a "mystical force of 'Godness'" or a "compulsion to follow the paths of 'goodness'" might be religious in nature (Seeger, p. 853). In other words, at least in the second circuit, the exemption on the grounds of religious objection must reach all who have sincere objections which could be interpreted as religious in nature.

In the social security situation, however, a classification may be as limited as circumstances require, as indicated in the Smart and other cases, supra.

In fact the Social Security Act and its amendments have characteristically carved out exemptions which are as narrow as required by the sociological facts, including differences among vocations and religious attitudes. Thus, for example, lawyers are cov-

ered by the self-employment tax, ministers, including Christian Science practitioners, are optionally covered, but doctors and persons who have taken the vow of poverty as a member of a religious order are completely exempted (26 U.S.C. 1402 (c) and (e), and 42 U.S.C. 411(c) (4) and (5)). When the self-employment tax was passed in 1950 the act excluded the performance of service by a minister of a church or a member of a religious order or by a Christian Science practitioner in the exercise of their callings, in order to avoid impairment of religious liberty (Senate Finance Committee hearings on H.R. 6000, 81st Cong., Jan. 17, 1950, pt. 1, pp. 1 and 3). The exemption was made optional in the 1954 amendment of the act for these classes of persons except the mendicant orders. These exemptions have not been challenged.

The reason for the present proposal to exempt members of religious sects, as such, is solely that they have a religious objection to receiving insurance. Accordingly, a classification of such sects for exemption purposes, with appropriate safeguards, would reach all those whom Congress would have a reasonable ground to exempt and would, therefore, not be arbitrary nor violative of due process.

This conclusion is the basis of the opinion of the staff of the Joint Committee on Internal Revenue Taxation and that of the American Law Division of the Library of Congress provided to Senator CLARK under dates of November 9, 1962, and September 19, 1962, respectively. These opinions conclude that the proposed exemption would be constitutional as it would apply to all those who fall within the classification and that the classification is reasonable, CONGRESSIONAL RECORD, volume 109, part 1, pp. 463, 464. A copy of these opinions as reproduced in the CONGRESSIONAL RECORD is attached.

Since, therefore, Congress may exempt those members of a religious faith who have scruples against receiving insurance, the next question is what practical safeguards Congress may designate to assure that only those who come within the policy of the exemption obtain the exemption, without imposing arbitrary limitations.

Limitations on the exemption

The joint statement by the Treasury Department and the Department of Health, Education, and Welfare reviewing the problems created by the proposed exemption for the Amish contains in section 3 suggested additional limitations upon the exemption. These limitations are proposed as possible means to protect the social security system from an unintended extension of exemptions from compulsory insurance which would weaken and dilute it. The extensions of the exemption might occur, according to this joint statement, either through the formation of additional faiths claiming opposition to acceptance of benefits as one of their tenets or through the redefinition by various existing separatist groups of their tenets to include such opposition.

I shall consider each of these proposed additional limitations, designated "a" through "e," to determine whether the limitation may be considered by the courts to be a reasonable classification and consistent with the due process clause. I shall also suggest a limitation, designated "f," which was not among those proposed but which may be found to limit the exemption reasonably and realistically to the groups which Congress intends to accommodate by this exemption.

(a) An explicit limitation of the exemption to the old order Amish: This limitation would probably be considered arbitrary since the designation of one sect to the exclusion of other sects having the same scruple would be inconsistent with the congressional policy of removing the Government coercion of belief which constitutes the denial of the free exercise of religion. It would also probably constitute an invalid preference of one particular faith over those which were similarly situated. The facts presented to Congress indicate that there may be certain other sects of the Amish and possibly other religious groups who have the same religious scruple which is now being coerced. Furthermore, the exemption of a single named group will be held to be arbitrary[5] unless the relation to the public good is clearly demonstrable.[6]

(b) Limitation to members of a sect, excluding adherents who are not members; and (c) limitation to members of sects who "take care of their own": These limitations are being considered together since at least some of the bills before Congress provide that a necessary condition of exemption is a finding by the Secretary of Health, Education, and Welfare that the sect makes provision for its elderly "members." This condition would probably be considered a necessary and proper public policy consideration and, therefore, a reasonable condition upon which to base eligibility for exemption. The purpose of Congress in this legislation would be to assure the fulfillment of the welfare purpose of social security while relaxing that feature of social security which impinges on the free exercise of religion. Moreover, since individuals can seldom guarantee their own future against deprivation and need, it would be reasonable for Congress to provide that to qualify for an exemption a person must be a member of a sect which shares the religious commitment, both with respect to refusing State insurance and providing for that sect's welfare. Consequently, since the sect aspect is essential, it would seem reasonable to limit the qualification for exemption to persons who are members of a qualifying sect. As said by Justices Black and Douglas in *Board of Education* v. *Barnette*, 319 U.S. 624, 643 (1943): "No well-ordered society can leave to the individuals an absolute right to make final decisions, unassailable by the State, as to everything they will or will not do."

(d) Limitation to sects which require members to follow the occupation of farming as a matter of religious principle: This limitation, as phrased, would not be appropriate on the basis of the facts given in the joint statement. It is there stated that "most old-order Amish communities permit members to make their living as self-employed carpenters or masons" (p. 9). The possibility of limiting the exemption to sects which are established in farming communities for religious reasons is suggested and discussed below.

(e) Limitation to religious groups which were established before 1935: Any limitation which designates a cutoff date would generally be less reasonable than one which on its face shows some relationship to the public purpose of the statute. For example, a requirement that the sect shall have demonstrated over a period of years its ability to take care of its own members would probably be more acceptable as a classification. The text of certain of the legislative proposals already contain this principle in that they refer to the sect to be exempted as one which is "established." I would see no reason why the extent or the test of establishment might not be specifically spelled out. There is some authority that a "classification which draws a line in favor of existing businesses as against those later entering the field will be upheld if any reasonable and substantial basis can be found to justify the classification." *Del Mar Canning Co.* v. *Payne*, 29 Cal. 2d 380, 175 P. 2d 231, 232 (1946). The circumstances justifying such a discrimination must provide substantial reason. *Mayflower Farms* v. *Ten Eyck*, 297 U.S. 266 (1936). It is probable that the unusual situation of the Amish with respect to social security would be considered a substantial reason for a limitation of the classification to established sects.

(f) Limitation to sect established in farming communities for religious reasons: The faith, the members of which are to be exempted, might be described not only as one whose established tenets would be violated by the acceptance of insurance, and one which provides for elderly and dependent members, but as one which for religious reasons is established in farming communities. These limitations might be reasonable if Congress found after sufficient inquiry that they were necessary to assure that the exemption would be confined to sects which were religiously motivated and responsible, and to assure that the welfare purpose of social security would be fulfilled. Congress might reasonably find that the restriction of the exemption to those sects established in farming communities would be justified on the ground that such a sect could be more certainly relied upon to identify and provide for its dependent and elderly members than those in the mobile and transient urban environment. Conversely, the limitation would have the effect of excluding sects which subsequently organize for the purpose of exemption from social security, as it is unlikely that these would or could establish themselves in farming communities for religious or other reasons. The limitation would exclude other present separatist groups whose principles might, but do not specifically, include refusal of social security benefits. Legislation which distinguishes farming situations from others because of sociological and economic differences has taken many forms and has been accepted by the courts. See, for example, *Tigner* v. *Texas*, 310 U.S. 141 (1940), rehearing denied, 310 U.S. 659 (1940).

G. D'ANDELOT BELIN,
General Counsel.

[From the Berwick Enterprise, Nov. 7, 1963]

A GOOD MOVE

We hope a bill introduced by Representative RICHARD S. SCHWEIKER, Republican, at Washington, has clear sailing. The Pennsylvania legislator seeks to get a fair deal for the Old Order Amish, whose religion forbids participation in such a thing as the Federal social security program.

Representative SCHWEIKER's bill would permit member churches whose established doctrines forbid participation in such programs, on religious grounds, to waive their benefit rights and to be exempted from social security taxes.

Applicants for such exemption would be asked to show that members of their faith make adequate provisions for elderly members to prevent their need of public aid in their later years. Certainly the Amish, who take such good care of their elder citizens, would have no trouble proving that they make such provision.

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[5] *Eyers Woolen Co.* v. *Gilsum*, 84 N.H. 1, 146 Atl. 511 (1929); *Baltimore* v. *Starr Methodist Protestant Church*, 106 Md. 281, 67 Atl. 261 (1907). Cf. *United States* v. *Department of Revenue of Illinois*, 191 F. Supp. 723 (N.D. Ill. 1961) invalidating a retail tax on sales to the Federal but not to the State government.

[6] *William* v. *Mayor and City Council of Baltimore*, 289 U.S. 36 (1933).

Indignation was practically nationwide when the Federal Government, in 1961, seized three horses belonging to an Amish farmer, in this State, and sold them at public auction in order to obtain money for social security payments that the man had refused to make because of his religious beliefs.

Representative SCHWEIKER summed things up well when he said, "Such action is an example of Government riding roughshod over the religious rights of a minority." He added, "It is difficult for me to understand why we cannot permit religious groups to conscientiously object to economic regulation when we rightfully recognize their right to object to the military draft. The Amish for many years have demonstrated their willingness and ability to take care of their financial and welfare needs without Government intervention."

He might add that the Amish continue to be outstanding citizens—asking no favors and expecting none—earning their own way and being obligated to no one. And yet, ill-advised oppression of that valuable group of citizens, by some Federal nincompoops, forced dozens of those families to move to Canada where they were welcomed with open arms.

MAINE SUGARBEET QUOTA

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] 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 Vermont?

There was no objection.

Mr. LANGEN. Mr. Speaker, I have asked the Secretary of Agriculture to transfer the sugarbeet quota originally allocated to Aroostook County, Maine, and award it to a proven beet-growing area such as the Red River Valley of Minnesota and North Dakota.

In my letter to the Secretary, I stated:

I have read with considerable interest the published reports that an engineering company working on the Maine sugarbeet project says the Great Western Sugar Co. of Denver has postponed indefinitely its plans to build a sugarbeet processing plant in that area. The report indicates that the highly acid soil in the area would be of questionable quality for the raising of beets profitably.

I have protested before the use of Area Redevelopment Administration funds to promote sugarbeets in such unproven areas as this one in Maine and another in New York State. It just does not make sense that allotments should be given to unproven areas when we have farmers in the valley who have proven through the years that beets can be a profitable crop. Now that it appears the Maine plant will not be built, this allotment should be promptly transferred, and the valley is prepared to build a processing plant and get into production immediately.

The Area Redevelopment Administration approved $30,000 for a technical assistance study to show that beets could be grown in the Maine area. Also, a $6.9 million loan had been approved by ARA for the new plant. It is obvious that taxpayer money went down the drain in another ARA effort to promote the sugarbeet industry in an unproven area to the disadvantage of proven areas. It is also obvious that ARA support of such projects has prompted the Agriculture Department to approve allotments that might otherwise never have been made.

It constitutes another major blunder, and the blame rests squarely on the ARA doorstep.

DEMS PLAY POLITICS WITH U.S. SUGAR INDUSTRY

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. LANGEN. Mr. Speaker, it is no wonder that this administration and the Democrat-controlled House Agriculture Committee have failed to recommend action on needed sugar legislation. They are so busy playing politics with the cane sugar interests that the beet sugar industry is left high and dry.

I am referring to the appointment of Irvin A. Hoff to coordinate the Democratic election campaign in the 11 Western States. Hoff, as executive director of the U.S. Cane Sugar Refiners Association, has vigorously lobbied against efforts by our sugarbeet producers to increase the beet sugar quotas. It must seem obvious to our beet growers in Minnesota and elsewhere that the campaign assignment given to Hoff is a clear indication that this administration has no intention of pushing for new legislation during this session of Congress. And the irony of this whole mess is that Hoff, a sworn enemy of the beet people, will be politicking in eight States where sugarbeets are grown.

It ought to be interesting when the citizens of these States start to ask Mr. Hoff a few questions. I would particularly like to hear what some of those sugarbeet producers will ask him, especially when they recall that Hoff has referred to them in the past as "greedy" and "heavily subsidized."

It is time for the administration to admit its mistake in putting Hoff in charge of their western campaign activities. And it is time this administration came out in support of legislation to increase the marketing quotas for sugarbeets. There is still time to act on such bills as my own that would provide sufficient tonnage to protect our present growers and provide for needed new expansion. The Department of Agriculture must make an immediate recommendation and the House Committee on Agriculture must initiate prompt consideration of this problem. Our sugarbeet farmers will be watching with considerable interest.

PROTECTION OF DOMESTIC INDUSTRY FROM UNFAIR FOREIGN COMPETITION

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. BOW] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. BOW. Mr. Speaker, the livelihood of 70 men and women who are employed by the Dover Chemical Co. in my district is threatened by the efforts of a giant international concern to take over the domestic market for chlorinated paraffin, and I wish once again to call attention to the need for vigorous enforcement of existing laws, and improvements in our laws, to protect domestic industry from unfair foreign competition.

The facts are as follows: chlorinated paraffin is a product manufactured by some eight U.S. companies and is the principal product, the bread and butter, of at least three or four of them including Dover Chemical Corp. Dover and the others sell their product for about 14 or 15 cents per pound.

Now the Imperial Chemical Industries, one of the world's largest chemical companies, has entered the market, offering the same product through a wholly owned American subsidiary for 9.5 cents per pound.

The product is shipped from ICI affiliates in the United Kingdom where it is sold at a price of 11.06 cents per pound.

This may be of little consequence to the larger companies for whom chlorinated paraffin is only one of many, many products, but it is a matter of life and death to Dover and similar concerns who certainly cannot meet competition of this kind.

I have advised the Dover Chemical Corp. to ask the Commissioner of Customs for an antidumping investigation, which I hope may be undertaken on an emergency basis, for my constituent cannot survive if this unfair competition continues for even a relatively short period of time.

It seems to me that all of the elements of a violation of the Antidumping Act are present in the facts as I have them.

ICI offers the product in Great Britain for 11.06 cents per pound. It offers the product in Canada, manufactured by the same English plant, for about 14 cents. And it offers the product in the United States, even after paying a duty of 1.38 cents per pound, for 9.5 cents. This is between 4.5 and 5.5 cents below the going price and the small U.S. competitor obviously cannot meet that price. The obvious purpose is to remove U.S. competition, after which time we may assume that ICI's price in the United States will rise again to reflect true costs, including the duty, and a reasonable profit.

While the mere offering of two rather obscure grades of a little known com-

modity at an unfair price may not seem of great import, it is just this kind of activity on the part of large international corporations, multiplied by hundreds of commodities, which threatens many jobs and many small companies in this country.

Our firms can and will compete with any foreign manufacturer when it comes to efficiency, salesmanship, service and fair prices, but they obviously cannot compete with a subsidized operation of this kind.

Once again, I trust that the Commissioner of Customs will act promptly for each day that this situation persists threatens the economic existence of this new and growing chemical industry in my district and the jobs of the 70 men and women who are employed in it.

LT. GEN. ROBERT W. BURNS, THE "GI'S GENERAL"

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

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, last Saturday, September 5, 1964, a wonderful man, Lt. Gen. Robert W. Burns, passed away. Only last Wednesday he had announced his retirement from the U.S. Air Force after 35 years of service to his country. His last assignment was as commander of the Air Training Command with headquarters at Randolph Air Force Base in San Antonio, Tex. In 1943 he became commander of the Air Defense Wing at Drew Field, Fla., and was soon reassigned to the 8th Fighter Command in Great Britain. In 1944 he was made director of operations for the 8th Air Force. In 1945 he was assigned to be commander of the 4th Combat Wing. When the 8th Air Force moved to Okinawa after VE-day, he became its chief of staff for operations. In 1948 he took command of the U.S. forces in Japan. In 1951 he was named Chairman of the Inter-American Defense Board in Washington, D.C., and at the same time was appointed senior Air Force member of the Military Staff Committee of the United Nations.

This brief history of the record of achievement of General Burns, impressive as it is, does not reveal the depth and, in my opinion, the greatness of the man. He earned the title "GI's General" because of the attention he paid to the needs of the low men on the military totem pole, the enlisted personnel. Too often the enlisted man, the GI, is forgotten, except, of course, in time of war or other national need when he is called upon to make every sacrifice including the supreme one. General Burns knew this and remained conscious of the services rendered by the enlisted man and the obligation of treating him fairly and justly. Most of all he never forgot that the enlisted man is a human being with human problems.

One incident in particular is illustrative as well as instructive. In the spring of 1959 General Burns, then chief of the U.S. Forces in Japan, learned that six enlisted men trying to get to California to be with their families during personal emergencies had been bumped off their plane to make room for a lieutenant colonel and his family who were going to Hawaii for a vacation. General Burns, upon learning of the facts, ordered the plane back to Tachikawa Air Force Base, near Tokyo, although it had taken off half an hour earlier. He then drove to the runway and stood by personally as the enlisted men boarded the plane.

General Burns was in the prime of his life when he was struck down by the fate which awaits us all. He was only 55 years of age. Yet he had already served 35 years with the armed services. His record alone indicates the dedication, the loyalty, and the brilliant success that marked his military career. What he might have accomplished after his retirement we will never know. The loss of one whose past achievements contained the promise of more to come is always the saddest loss.

It is fitting that we in Congress acknowledge the contributions of Gen. Robert W. Burns, the "GI's General" and the fact that America has lost one of its finest citizens.

A TRIBUTE TO DOUGLAS DILLON

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

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the Department of the Treasury has been operating for more than 3 years with such efficiency, economy, and success that we are liable to overlook its chief administrator, the Honorable Douglas Dillon, Secretary of the Treasury. Little glamor or notoriety attaches to the administration of the Nation's fiscal and monetary affairs, and so the spotlight of public acclaim does not often fall on our Secretaries of the Treasury. Also, matters of the national economy are at best difficult to evaluate as to their success or failure, and often it is hard to tell whether or not we have a good Secretary of the Treasury. On the other hand the functions and the work of the Department of the Treasury are so intertwined with the national economy as a whole that, to a large extent, the success of the latter will depend upon the success of the former. With this as a guide the Department of the Treasury comes off well indeed, for we are now experiencing one of the longest peacetime economic boom periods in the history of this country, a boom period which began with the Kennedy-Johnson administration and with the appointment of Douglas Dillon as Secretary of the Treasury.

There is another equally important reason motivating the statement that I am making today. It is my intent to deliver this tribute as one who does daily battle on the frontlines of the political wars, so to speak, and who is able to observe and benefit from the day-in and day-out efforts of Secretary Dillon and his staff to help keep us Members of Congress supplied with the necessary facts and information regarding both the national and international economy within the purview of his jurisdiction in his official capacity. I have addressed a great number of letters and inquiries to Secretary Dillon requesting information and guidance necessary to the performance of my own duties. All of my communications have always been promptly and satisfactorily answered. Further, some weeks ago, in April, I had the rare opportunity of accompanying Secretary Dillon to Panama City, Panama for a Hemispheric Inter-American Development Bank Conference, and I was able to see first hand the depth and the wisdom of Secretary Dillon, his tremendous grasp of intricate details, and his consciousness of the human factor in an area which is often reduced to dollars and cents, facts and figures.

I do not believe Secretary Dillon will be much flattered or impressed by these few words from a Congressman who is completing his first full term in Congress. They are offered, though, in all sincerity as a tribute and a small gesture of appreciation personally and in behalf of the people of my district, the 20th Congressional District of San Antonio, Tex. It is my belief that we have in the Honorable Douglas Dillon one of the great Secretaries of the Treasury in the history of the United States.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. MACGREGOR (at the request of Mr. STAFFORD), for 30 minutes, on Monday, September 14, 1964.

EXTENSION OF REMARKS

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

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

Mr. MICHEL.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1642. An act to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide

for the establishment of a new station and for other purposes;

H.R. 6601. An act to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes; and

H.R. 10809. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes.

SENATE ENROLLED BILL SIGNED

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

S. 27. An act to provide for establishment of the Canyonlands National Park in the State of Utah, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until Thursday, September 10, 1964 at 12 o'clock.

EXECUTIVE COMMUNICATIONS, ETC.

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

2518. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and the Army General Staff on June 30, 1964, pursuant to section 3031(c) of title 10, United States Code; to the Committee on Armed Services.

2519. A letter from the Assistant Secretary Export-Import Bank of Washington, transmitting a report that the Export-Import Bank of Washington on September 1, 1964, issued its guarantee with respect to certain companies, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1964, and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

2520. A letter from the Acting Comptroller General of the United States, transmitting report on increased costs resulting from ineffective use of automatic data processing system in supply management at the Philadelphia Naval Shipyard, Philadelphia, Pa., Department of the Navy; to the Committee on Government Operations.

2521. A letter from the Acting Comptroller General of the United States, transmitting report on deficiencies in the administration of the Navajo Indian reesrvation road construction program in the States of Arizona and New Mexico, Bureau of Indian Affairs, Department of the Interior; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BALDWIN:

H.R. 12583. A bill to provide that Federal savings and loan associations shall give notice in writing to shareholders of their annual meetings, and to facilitate the solicitation of proxies by shareholders of such associations; to the Committee on Banking and Currency.

By Mr. GRIFFIN:

H.R. 12584. A bill for the relief of certain displaced nationals of the Netherlands; to the Committee on the Judiciary.

By Mr. MACGREGOR:

H.R. 12585. A bill to reduce the retailers excise taxes on jewelry, furs, toilet preparations, and luggage and handbags from 10 to 5 percent on July 1, 1965, and to repeal such taxes on July 1, 1966; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 12586. A bill to amend the Internal Revenue Code of 1954 to grant an additional income tax exemption for a taxpayer supporting a dependent who has attained age 65 or is blind; to the Committee on Ways and Means.

By Mr. WESTLAND:

H.R. 12587. A bill to provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington, through a drainage and diking district formed under the laws of the State; to the Committee on Interior and Insular Affairs.

By Mr. ROBISON:

H.J. Res. 1171. Joint resolution to set national policies for local airline service; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FOREMAN presented a bill (H.R. 12588) for the relief of Allen Roger Bradford which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Labor Day Reflections

EXTENSION OF REMARKS

OF

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 8, 1964

Mr. MICHEL. Mr. Speaker, under unanimous consent, I include some thoughts with respect to Labor Day, 1964, which we should all contemplate:

Mr. Speaker, "To Labor Is To Pray." This, as you probably know, was the motto of Benedict, who, of course, was the founder of the Benedictine Order. It therefore was not surprising, when in reviewing previous Labor Day comments of world leaders, to find this philosophy carried through in the radio broadcast on September 1, 1944, of Pope Pius XII—just over 20 years ago this Labor Day.

The Pope stated:

Private property is a natural fruit of labor, a product of intense activity of man, acquired through his energetic determination to insure and develop with his own strength his own existence and that of his family, and to create for himself and his own an existence of just freedom, not only economic, but also political, cultural, and religious. If a worker is deprived of hope to acquire some personal property, what other natural stimulus can be offered him that will inspire him to hard work, labor, saving, and sobriety today, when so many nations and men have lost everything and all they have left is their capacity for work?

Mr. Speaker, there can be no doubt but what, in the latter instance, the Pope was referring to those nations whose workers have been enslaved in Marxist-Leninist chains. Joseph Stalin had previously admitted this in 1936 when he said:

In the U.S.S.R. the principle of socialism is realized.

To prove his point he quoted article 12 of the Constitution of the Union of Soviet Socialist Republics:

From each according to his ability, to each according to his work.

Scholars tell us that this article in the Soviet Constitution was taken from Karl Marx's critique of the Gotha program in 1875 when he summed it all up by saying:

From each according to his abilities, to each according to his needs.

Now, Mr. Speaker, I want you to listen closely to just one more quote:

We are going to try to take all of the money that we think is unnecessarily being spent and take it from the "haves" and give it to the "have nots" that need it so much.

I am sure that statement has sent shivers down the spine of the laboring man for it denies an individual the right to private property and the fruits of his labor. This statement was not made in an Iron Curtain country, it was said by President Lyndon Baines Johnson in his White House speech of January 15, 1964. Now think about that for a while.

Labor Day Speech by the President of the United States

EXTENSION OF REMARKS

OF

HON. MIKE MANSFIELD

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 8, 1964

Mr. MANSFIELD. Mr. President, on yesterday, Labor Day, the President of the United States made an outstanding address in Cadillac Square, Detroit, Mich. I believe the address should be read in full and I ask unanimous consent that the literal transcript of the speech, as given, be printed in the RECORD.

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

REMARKS OF THE PRESIDENT, CADILLAC SQUARE, DETROIT, MICH.

Mr. Barber, Governor and Mrs. Romney, Mayor Cavanaugh, Senator Hart, Senator McNamara, Congressman Staebler, Walter Reuther, Governor Swainson, Secretary Williams, my good friends in the Michigan congressional delegation, my fellow countrymen, this is a great day in a historic place. Here, and today, we begin to move toward new years of achievement for America. Sixteen years ago an American President came here and he promised then that America would "enter a new period of hope." That President was Harry S. Truman.

You gave him support and he gave you that hope. Four years ago another great American stood where I stand today and he said, "Give my your hand * * * and this country can move again." That man was John Fitzgerald Kennedy.

You reached out your hand and America began to move. I have come here today to pledge that if all Americans will stand united we will keep moving. This country is not going to turn its back on the future. This country is not going to turn away from the upward course of prosperity or from the urgent hopes of peace. This country is not going to turn away from the needs of the jobless and the hungry, the poor and the oppressed. This country is not going to turn from unity to hostility, from understanding to hate.

So today I have come here in Cadillac Square to call for national unity. I plead for brotherhood among men and understanding among nations. This is not just a slogan. It is not based on empty hopes or upon remote dreams. It flows from the facts of life in 1964.

I have traveled to every section of this country, I have talked to people in every walk of life. And I have found that most of the American people are united. There are, of course, issues which stir passion and conflicting interests. But most Americans have the same hopes for themselves and their children. They have the same desires for themselves and their country. They know that, for the most part, we no longer struggle among ourselves for a larger share of limited abundance. We labor, instead, to increase the total abundance of us all. Responsible business knows that fair wages are essential to its prosperity. Responsible labor knows that fair profits are essential to rising employment. Farmers and city dwellers, bankers and laborers know that by strengthening each group we strengthen the Nation—by pursuing the growth of all, we advance the welfare of each.

And all of us know that we have a mortal stake in the peace of this world. And that the only real test, the only test that really counts, is what is good for America. And what is good for America is good for all of us.

I want to talk briefly today about three of the goals which are good for America, which reflect the common purpose of most Americans, which are the basis of unity in our country. These are the goal of prosperity, the goal of justice, and the goal of peace.

First, the goal of prosperity. This is the 43d month of the greatest peacetime prosperity in the history of all the United States. The last 4 years, in Michigan alone, unemployment dropped from 10.2 percent to 5.3 percent. The average weekly earnings for manufacturing workers went up 23 percent. A new tax cut will raise personal income by $1½ billion and create 90,000 new jobs. And what is true for Michigan is true for other parts of America. As long as I am President I will lead this country toward increased prosperity. We will continue until every man has a job, and until every family has a decent income. And this is what most Americans want.

The second part of our common purpose is justice. Justice is a country where every man has an equal chance to use his talents, to pursue his desires, and to provide for his family. We seek to give every American, of every race and color, and without regard to how he spells his name, his full constitutional rights under our Constitution and under the laws of the land. We seek to conquer the conditions which condemn millions to hopeless poverty.

We seek to find a job for every man who wants to work. We seek to care for the old through medical care under social security. The jobless with increased unemployment compensation; the oppressed with minimum wage protection. And this is what we think most Americans want.

Third among our common goals is peace. Peace is more than the absence of aggression. It is the creation of a world community in which every nation can follow its own course without fear of its neighbors. In that pursuit we have developed a threefold policy. First, we have built a military strength greater than the world has ever known before. Second, in Cuba and in the waters around Vietnam we proved that we would stand firm in the defense of freedom. And everywhere we have worked to extend the domain of liberty. Third, we patiently labored to open new avenues to peace. The result of these efforts since 1961 is our world of 1964. In this world in which we live today, no nation, new or old, has gone Communist since Cuba went in 1959. In this world the solid unity of communism has begun to crack. We have worked to help the nations of Eastern Europe move toward independence. This is their people's goal and this is our people's continuing resolve.

In this world the influence and the prestige of freedom is on the rise. Hands of friendship have replaced the clenched fists of angry mobs. In this world the strength of freedom is greater and the prospects for peace are brighter.

It is not enough, I think, just to want peace or to talk peace, or to hope for peace. We must constantly work for peace. And I want you to know that today your Government is working for peace. And that is why I, as a Congressman, worked to help pass the Marshall plan. That is why, as a Senator during the Eisenhower administration, I went to the United Nations, at President Eisenhower's request, to urge and to invite all nations of the world to join the United States in the peaceful exploration of outer space.

And that is why, as Vice President of the United States, I worked long and hard for the treaty banning nuclear tests in the atmosphere. We slowed down the deadly poisoning of the air we breathe, and the milk that our children drink. We do not want every mother to live in fear that her baby may be born crippled or deformed. And we, too, must remember that we organized the Peace Corps which started the spirit of America and carried it to remote villages on every continent of the world. And also that is why, as President, I ordered a cutback of unnecessary nuclear production. And that is why I will continue to support every realistic measure that will bring the world closer to peace without increasing the danger to freedom.

Yes, it is men that make peace. Modern weapons are not like any other. In the first nuclear exchange, 100 million Americans and more than 100,000 Russians would all be dead. And when it was over, our great cities would be in ashes, our fields would be barren, our industry would be destroyed, and our American dreams would have vanished.

As long as I am President I will bend every effort to make sure that that day never comes. I am not the first President to speak here in Cadillac Square, and I do not intend to be the last.

Make no mistake. There is no such thing as conventional nuclear weapons. For 19 peril filled years no nation has loosed the atom against another. To do so now is a political decision of the highest order. And it would lead us down an uncertain path of blows and counterblows whose outcome none may know. No President of the United States of America can divest himself of the responsibility for such a decision. Any man who shares control of such enormous power must remember that "He that is slow to anger is better than the mighty; and he that ruleth his spirit is better than he that taketh a city."

These common purposes, prosperity, justice and peace, are the foundation of American unity. Our future is almost upon us. Man has never lived in a more exciting time. The world is changing before our eyes. Either we will move to meet these changes or they will overwhelm us. On the one hand is opportunity of shining promise; on the other is a power to destroy the world. Those nations or individuals who seek today to divide us, who preach strife and dissension, and hate and fear, and smear, strike at our hopes and strike at the hopes of all the people of the world.

When I was young, I often walked out after supper and looked up at the scattered Texas sky. As a boy, on those still nights, I wondered what those heavens had seen, what they would see, and what they might bring to me. The world has turned many times since then, but still in the evening I sometimes walk out and look across the great Capital City where I live, and I dream the same dreams, and I ask the same questions. Just as you do, I sit and think of today's events and tomorrow's problems. I feel glad in my family and concern for my children.

It is then that I remember the men who captured my native soil from the wilderness. They endured much so that others might have much. Their dream was for the children; mine, too, is for the child, even now struggling toward birth.

What will the observing skies say of the world that we have built for him? I want all the ages of man to yield him their promise, the child will find all knowledge open to him; the growing boy will shape his spirit in a house of God and his ways in the house of his family. The young man will find reward for his work and feel pride in the product of his skills. The man will find leisure and occasion for the closeness of family, and an opportunity for the enrichment of life. The citizen will enrich the Nation, sharing its rule, walking its streets, adding his views to its counsel, secure always from the unjust and the arbitrary power of his fellows. The least among us will find contentment, and the best among us will find greatness, and all of us will respect the dignity of the one and admire the achievements of the other.

At the end of the journey, he will look back and say, "I have done all that a man could do, built all, shared all, experienced all." And then people shall say to people, group to group, man to man, "There on this earth as in the eyes of God walks my brother."

Well, this is my dream. It is not the grand vision of a powerful and feared nation. It

concerns the simple wants of people. But this is what America is really all about. All the rest, the power and the wealth, the life of freedom and the hopes for peace, the treasured past and the uncertain future—all of this will stand or fall on this. Reality rarely matches dream, but only dreams give nobility to purpose.

This is the star that I hope to follow. This is the star which I know that most of you at some time have seen, and which I first glimpsed many, many years ago, one night out in the West.

United we stand; divided we fall. So today I say to these thousands assembled here, whose only concern is what is best for their country, let us bring the capitalist, the manager, the worker, and the Government to one table to share in the fruits of all of our dreams and all of our work, and let's leave for our children, as we enjoy for ourselves, the greatest country that any man has ever known.