purposes; to the Committee on Armed Services.

By Mr. WILLIS:

H.R. 10051. A bill to amend Public Law 86–272, as amended, with respect to the reporting date; to the Committee on the Judiicary.

By Mr. CHARLES H. WILSON:

H.R. 10052. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in 1965 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. BONNER:

H.R. 10053. A bill to amend section 502 of the Merchant Marine Act, 1936, relating to the construction differential subsidies; to the Committee on Merchant Marine and Fisheries.

By Mr. LENNON:

H.R. 10054: A bill to grant credit for purposes of the Civil Service Retirement Act for service performed by Federal employees under a cooperative agreement between the Federal Government and the State of North Carolina with respect to the administration of the Fair Labor Standards Act of 1938 in such State, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BUCKLEY:

H.R. 10055. A bill to authorize appropriations for the fiscal years 1966 and 1967 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. NELSEN:

H.R. 10056. A bill to limit the authority of the Commodity Credit Corporation to sell any food grains and feed grains owned or controlled by it; to the Committee on Agriculture.

By Mr. ROOSEVELT:

H.R. 10057. A bill to amend the act of June 6, 1933, as amended, to authorize the Secretary of Labor to develop and maintain improved, voluntary methods of recruiting, training, transporting, and distributing agricultural workers, and for other purposes; to the Committee on Education and Labor.

By Mr. TOLLEFSON:

H.R. 10058. A bill to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies; to the Committee on Merchant Marine and Fisheries.

By Mr. BECKWORTH:

H.R. 10059. A bill to amend title II of the Social Security Act to eliminate the provisions which presently prevent an individual from simultaneously receiving both a full old-age or disability insurance benefit and a full widow's, widower's, or mother's insurance benefit; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.J. Res. 929. Joint resolution authorizing and requesting the President to designate April 9, 1964, as a day for observance of the courage displayed by the uprising in the Warsaw ghetto against the Nazis; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H.J. Res. 930. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.J. Res. 931. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H. Con. Res. 268. Concurrent resolution expressing the sense of Congress with respect to the persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. JOELSON:

H. Con. Res. 269. Concurrent resolution expressing the sense of the Congress that the President bring the Baltic States question before the United Nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ADDABBO:

H. Con. Res. 270. Concurrent resolution expressing the sense of Congress with respect to the persecution by the Soviet Union of persons because of their religion; to the Committee on Foreign Affairs.

By Mr. FLOOD:

H. Res. 633. Resolution to investigate solicitations of certain contributions from Government employees for charitable purposes; to the Committee on Rules.

By Mr. TAFT:

H. Res. 634. Resolution to investigate solicitations of certain contributions from Government employees for charitable purposes; to the Committee on Rules.

By Mr. GURNEY:

H. Res. 635. Resolution to investigate solicitations of certain contributions from Government employees for charitable purposes; to the Committee on Rules.

By Mr. SCHWEIKER:

H. Res. 636. Resolution to investigate the solicitation of certain contributions from Government employees for charitable purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of South Dakota memorializing the President and the Congress of the United States to take notice of a declaration of an emergency relating to the operation and effect of chapter 125 of the sessions law of 1963, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GALLAGHER:

H.R. 10060. A bill for the relief of Kenneth Clinton Lewis; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 10061. A bill for the relief of Vito Giammona; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 10062. A bill for the relief of John J. Tavormina; to the Committee on the Judiciary.

By Mr. MARTIN of Massachusetts:

H.R. 10063. A bill for the relief of Dimas Pereira Tavares; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 10064. A bill for the relief of Maria Coutoupidis; to the Committee on the Judiciary.

By Mr. ROBERTS of Alabama:

H.R. 10065. A bill for the relief of John Raymond Witt; to the Committee on the Judiciary.

H.R. 10066. A bill for the relief of Joe C. Oden; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 10067. A bill for the relief of Mrs. Dickranouhi Barsamian; to the Committee on the Judiciary.

By Mr. VAN PELT:

H.R. 10068. A bill for the relief of Miss Dimitra Petta and Miss Demetra Koutroumbi; to the Committee on the Judiciary.

SENATE

THURSDAY, FEBRUARY 20, 1964

(Legislative day of Monday, February 10, 1964)

The Senate met at 12 o'clock meridian, on the expiration of the recess, 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:

O Thou God of truth, Father of our spirits, all is Thine except the drifting clouds of unrighteousness which in the end cannot hide Thy light, which no darkness can put out.

For those who here in perilous times, sent to this body by those who put their trust in them, and who speak for the people's best welfare, we pray for their deliverance from the subtle lures of office and from the arrogance which lurks always in power, and for the unswerving determination to bow to no compulsion, save the sovereignty of their own conscience.

Steady us in all our decisions and in all our ways, with the knowledge that only in Thy will is our peace and our victory.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, February 19, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, notified the Senate that Mr. BROOKS, of Texas, had been appointed a manager at the conference with the Senate on the disagreeing votes of the two Houses thereon to the bill (H.R. 4638) to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President, vice Mr. HOLIFIELD excused.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

H.R. 7381. An act to simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes; and

H.R. 9640. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 5945) to establish a United States-Puerto Rico Commission on the Status of Puerto Rico, and it was signed by the Acting President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 7381) to simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

TRANSACTION OF ROUTINE BUSINESS

On request by Mr. MANSFIELD, and by unanimous consent, it was ordered that there be a morning hour, with statements therein limited to 3 minutes.

AUTHORIZATION FOR COMMITTEE ON AGRICULTURE AND FORESTRY TO FILE REPORT UNTIL MIDNIGHT TONIGHT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry may have until midnight tonight to file a report.

The ACTING PRESIDENT pro tempore. Without objection——

Mr. AIKEN. Mr. President, I would be willing to have a little more time allowed, if necessary. So far as I am concerned the committee can have until tomorrow night—although, so far as I am concerned, I shall be ready by 6 o'clock tonight.

As I understand, one or more members of the committee wish to file minority views. Whether they will be ready by tonight, I do not know.

Mr. MANSFIELD. Mr. President, with that proviso, I should like to have my unanimous-consent request acted on; and if any difficulties arise in the meantime, I shall be most happy to withdraw the request.

The ACTING PRESIDENT pro tempore. Without objection, the committee will be allowed until midnight tonight—as requested—to file a report.

COMMITTEE MEETINGS DURING SENATE SESSION

On request by Mr. MANSFIELD, and by unanimous consent, the Housing Subcommittee of the Banking and Currency Committee and the Antitrust and Monopoly Subcommittee of the Judiciary Committee were authorized to meet during the session of the Senate today.

SUSPENSION OF EQUAL OPPORTUNITY REQUIREMENTS OF SECTION 315 OF COMMUNICATIONS ACT OF 1934

Mr. PASTORE. Mr. President, there is at the desk a privileged matter—a message from the House, in connection with House Joint Resolution 247 and the Senate amendment to that measure. I ask that it be taken up at this time.

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the joint resolution (H.J. Res. 247) to suspend for the 1964 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for legally qualified candidates for the offices of President and Vice President, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PASTORE. Mr. President, I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Acting President pro tempore appointed Mr. PASTORE, Mr. MONRONEY, Mr. THURMOND, Mr. SCOTT, and Mr. PROUTY conferees on the part of the Senate.

BEEF IMPORT AGREEMENT

Mr. MANSFIELD. Mr. President, on Monday, the Department of State and the Department of Agriculture announced a voluntary agreement with Australia and New Zealand on beef imports. These two countries provide approximately 80 percent of our imports of fresh and frozen beef and veal. The agreement, as I understand it, is subject to review after 3 years.

In brief, the agreement guarantees foreign exporters of beef to the United States approximately 11 percent of our domestic market, holding Australian and New Zealand exports to the United States at the 1962–63 average, allowing for consumption growth.

Mr. President, this is a small step—a very small one—in the right direction; but it is not enough. It provides little protection for our domestic industry at a time when prices are down. During the current calendar year, it will provide a 6-percent reduction, as compared with 1963 imports.

The idea of a voluntary negotiated agreement with these two major beef exporters is excellent—but certainly not one that guarantees foreign suppliers such a major foothold on our beef market. We cannot blame Australia and New Zealand when they can get an agreement which will permit them to continue to export to the United States at a rate comparable to those of the two highest years in history. The American cattle industry is the one that is being hurt. It would have been far more realistic if the average imports had been computed over the past 5 years, instead of the last 2 years.

In addition, I am somewhat concerned about the effect such an agreement will have on efforts to aid the domestic livestock industry, in light of the delicate state of our international trade negotiations. Frankly, I am anxious to see a much more realistic quota established, either through U.S. Tariff Commission recommendations or congressional action. It is for this reason that my colleague [Mr. METCALF] and I have prepared, for introduction, legislation which would establish a quota system on beef imports, based on the past 5-year average.

Mr. President, I introduce this bill, on behalf of myself, my colleague, the Senator from Montana [Mr. METCALF], the Senators from North Dakota [Mr. YOUNG and Mr. BURDICK], the Senator from South Dakota [Mr. MCGOVERN], and the Senators form Iowa [Mr. HICKENLOOPER and Mr. MILLER]; and I ask unanimous consent to have printed at the conclusion of my remarks the text of this proposed legislation and a letter on the same issue which my colleague, the Senator from Montana [Mr. METCALF] and I addressed to the U.S. Tariff Commission.

Mr. President, I also ask unanimous consent to have the bill held at the desk, for additional cosponsors, until Monday, February 24.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD, and the bill will be held at the desk, as requested by the Senator from Montana.

The bill (S. 2525) to restrict imports of beef, veal, and mutton into the United States, introduced by Mr. MANSFIELD (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the total quantities of beef, veal, and mutton (in all forms except canned, cured and cooked meat, and live animals) originating in any country which may be entered, or withdrawn from warehouse, for consumption during any period of 12 months shall not exceed the average annual quantities of such products imported from such country during the 5-year period ending on December 31, 1963: *Provided,* That beginning January 1, 1965, there may be an annual increase in the total quantities of such products which may be entered, or withdrawn from warehouse, for such purpose, corresponding to the annual rate of increase in the total United States market for such products, as estimated by the Secretary of Agriculture.

The letter presented by Mr. MANSFIELD is as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., February 19, 1964.

Mr. BEN DORFMAN,
Chairman, U.S. Tariff Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: We are informed that on February 20, the U.S. Tariff Commission will consider copper for possible inclusion on the President's list of articles for consideration in trade agreement negotiations. Because copper is the leading mineral in the State of Montana's active mining industry, we wish to take this means of opposing any reduction on rates of duty on copper imports. We can find no justification for lowering the present duty on foreign copper; in fact, the original 4-cent tax should be restored, based upon the statistical position of the industry.

The domestic copper mining industry is at present at a disadvantage because of excessive production of high grade ores in Africa and South America. Should the tariff be lowered and the demand for domestic copper fall off, the domestic mines would be in severe economic difficulties. In addition, our foreign suppliers often enjoy cheaper water transportation and certain tax advantages.

We wish to remind the Commission that copper tariffs are not and never have been for the purpose of keeping out or penalizing foreign metal, but principally are to provide a balance of relative costs of those who supply world markets. Under present conditions, the excise of 1.7 cents per pound is too low to provide the necessary protection; therefore, we endorse the industry's request that the tariff be restored to 4 cents per pound. This would then put domestic mines on a competitive basis with foreign mines.

In reviewing the tariff on copper, we ask that prime consideration be given to national security demands. We also urge that no recommendations be made which will be adverse to a healthy domestic copper mining industry operating under a reasonably balanced situation.

Thank you for your consideration, and we ask that this letter be made a part of the printed proceedings of this hearing.

With best personal wishes, we are,

Sincerely yours,

MIKE MANSFIELD.
LEE METCALF.

UNITED STATES-MEXICO NEGOTIATIONS

Mr. MANSFIELD. Mr. President, today President Johnson will fly to California, where he will hold 2 days of meetings in Palm Springs with President Adolfo Lopez Mateos, of Mexico. The Chiefs of State will discuss problems of mutual concern to our two countries, as well as of concern to the hemisphere and the world.

A quick glance at history reveals that all has not always been well between our two countries. However, history also shows that no problem between nations can long defy solution when negotiations are entered into a spirit of friendship and good faith and a genuine desire to succeed. Fortunately, this has been the tenor of United States-Mexican relations over the last three decades, beginning with the good neighbor policy of Franklin D. Roosevelt, and reaching a high point under the administrations of Presidents Kennedy and Johnson.

Recent approval of the Chamizal Treaty—whereby a longstanding border grievance was settled—removes a great barrier to further understandings. The Chamizal problem, which has been a divisive factor between our countries for nearly a century, could not have been settled without the friendship and statesmanship of the Mexican Government; and we are most appreciative of the role played by its great President, Adolfo Lopez Mateos.

I am confident that the one remaining serious border problem—that of dealing with the salinity of water which flows from the Southwestern United States into northern Mexico—can be resolved in a similar spirit. Certainly President Johnson is eager to maintain and improve existing relations on the high plane to which Presidents Kennedy and Lopez Mateos helped bring them, and in which President Johnson played a highly significant but unpublicized part. And I know I speak for my colleagues in both Houses when I say that we look forward to the visit of the Mexican Congressmen to Washington on March 3, 4, and 5, when we shall discuss this and other items of mutual interest.

Mr. President, in his meeting with President Johnson, President Lopez Mateos will encounter a neighbor of Mexico whose friendship for that great land is of long standing. Coming as he does from a State with a large population of Mexican extraction, President Johnson has long been aware of the contributions which these people have made. A short excerpt from the history of Texas-Mexican relations, and of a part which President Johnson has played in them, is told in an article by columnist Drew Pearson which appeared in this morning's Washington Post. I commend its reading to my colleagues, and ask that it be printed at this point in the CONGRESSIONAL RECORD.

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

JOHNSON HOLDS MEXICO'S ESTEEM

(By Drew Pearson)

For almost 100 years any Texan was always suspected, sometimes hated, by Mexico. Its people remembered—just as vividly as Texans remember the Alamo—the war of 1848 when a good slice of Mexico was chopped off by fire-eating, pistol-packing, land-hungry Texans.

Fifty years ago, perhaps even 20 years ago, no one would have believed that a President of Mexico would sit down on American soil to confer with a Texas-born President of the United States.

The fact that it is happening this week is due in part to the more commonsense shown by both nations; in part to the two men who are meeting in Los Angeles; and in part to the people of San Antonio who elected a Spanish-American, HENRY GONZALEZ, to Congress, and to the people of El Paso who elected another Spanish-American, Raymond Telles, as their mayor.

President Adolfo Lopez Mateos is a moderate who has continued the land and economic reforms of the Mexican revolution—at first bitterly opposed by the United States. Lopez Mateos has realized that American tourist trade and American investments mean the difference between prosperity and poverty; so, without sacrificing anything in the way of Mexican pride and sovereignty, he has gone out of his way to work at friendship.

He became the first Mexican President in history to cross into Texas, when he visited the LBJ ranch while Mr. Johnson was Vice President. And previously he conferred with Mr. Johnson at Acapulco when Johnson was Senate majority leader.

JOHNSON'S FRIENDSHIP

President Johnson, in turn, is revered in Mexico as perhaps few other American Presidents. Mexicans remember how he toured San Antonio in an old pickup truck campaigning for HENRY GONZALEZ and conceived the brilliant idea of bringing Pepe Cantinflas, popular star of "Around the World in Eighty Days," to San Antonio to help GONZALEZ.

But most of all, Mexicans remember an event which occurred during the Korean war when the people of Three Rivers, Tex., refused to bury a Mexican-American boy killed in battle.

The brother of the Governor of Taxco told the story when Johnson went to that city in 1958. Tears streamed down his face as he spoke, and Johnson, who doesn't speak Spanish well, couldn't understand the reason. But here is what the Mexican said:

When a Mexican boy, drafted into the American Army, was killed in Korea, his body was brought back to Three Rivers, Tex., where he had lived. But the one funeral parlor in that little town would not give him a burial because he was a Mexican.

"Whereupon the Senator from Texas who is with us today telephoned from Washington: 'I can't make the funeral parlor bury this boy, but I can bring his body to Arlington National Cemetery in Washington and bury him alongside Presidents.'

"And that," said the Mexican speaker, "is what the Senator from Texas did."

PROGRAM FOR PRODUCTION AND CONSUMPTION OF COTTON AND WHEAT

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished minority leader, I announce that if there are no difficulties connected with the filing of the report on the wheat and cotton bill by the Committee on Agriculture and Forestry by midnight tonight, it would be the hope of the leadership to bring up that bill tomorrow at the conclusion of the reading of Washington's Farewell Address.

Mr. WILLIAMS of Delaware. Mr. President, I have no objection to the Senate's making progress, but we have not yet received a bill from the committee. I do not see how we can intelligently debate a bill we have not yet seen.

Mr. MANSFIELD. The Senator is correct.

Mr. WILLIAMS of Delaware. I wonder if we would not make better time if Senators had an opportunity first to read the bill—which will not be available until tomorrow morning—to study it and then proceed to consider it next week. I shall not object if that is what the Senator wishes to do, but I think the Senators would be trying to debate something they do not know anything about. We do too much of that as it is.

Mr. MANSFIELD. The Senator has a good argument, as always. It is my understanding that the report will be available this afternoon. I, of course, made the request—which would have to be a unanimous-consent request—with the idea in mind, though I did not state it, that the report would be available.

But if the Senator desires, I would be most happy to change the tentative announcement to make it applicable to Monday.

Mr. WILLIAMS of Delaware. Unless we are sure we will get the report and have time to read it, I think it would be better to carry it over until next week. However, I would be willing to wait until later in the day to see how much progress is made toward completing the report. I understand that the committee has until midnight to file it.

Mr. MANSFIELD. The Senator has a point, and I will discuss it with the minority leader.

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

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

Mr. DIRKSEN. It is my understanding that in order to make the unanimous-consent request valid, the Senate would have to adjourn.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is correct; it would require unanimous consent to bring up the report while the Senate is in recess.

Mrs. SMITH. Mr. President, will the minority leader yield?

Mr. DIRKSEN. I am delighted to yield to the distinguished Senator from Maine.

Mrs. SMITH. Would the majority leader say he is not expecting any votes tomorrow, but only statements on the bill about which he is talking?

Mr. MANSFIELD. If the bill is brought up tomorrow, the joint leadership could assure the distinguished Senator from Maine that there would be no votes tomorrow.

Mrs. SMITH. I thank the Senator very much.

Mr. MANSFIELD subsequently said: Mr. President, pursuant to the unanimous-consent request made previously, I now ask unanimous consent that the minority and supplemental views on the bill to be reported from the Committee on Agriculture and Forestry may have until midnight tonight to be filed.

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

EXECUTIVE COMMUNICATIONS, ET CETERA

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

FEE FOR SERVICES PERFORMED IN CONNECTION WITH THE ARRIVAL IN, OR DEPARTURE FROM, THE UNITED STATES OF A PRIVATE AIRCRAFT OR PRIVATE VESSEL

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for a flat fee for services performed in connection with the arrival in, or departure from, the United States of a private aircraft or private vessel, and for other purposes (with accompanying papers); to the Committee on Finance.

AUDIT REPORT ON EXPORT-IMPORT BANK OF WASHINGTON

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Export-Import Bank of Washington, fiscal year 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY PROCUREMENT BECAUSE EQUIPMENT REQUIREMENTS WERE OVERSTATED BY WHITE SANDS MISSILE RANGE, NEW MEXICO

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary procurement initiated or planned because equipment requirements were overstated by White Sands Missile Range, New Mexico, Department of the Army, dated February 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON OVERPAYMENTS MADE UNDER A COST-PLUS-A-FIXED-FEE CONTRACT FOR PROCUREMENT OF NUCLEAR SUBMARINE COMPONENTS FROM COMBUSTION ENGINEERING, INC.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overpayments made under a cost-plus-a-fixed-fee contract for the procurement of nuclear submarine components from Combustion Engineering, Inc., New York, N.Y., Department of the Navy, dated February 1964 (with an accompanying report); to the Committee on Government Operations.

LITHUANIAN INDEPENDENCE DAY—RESOLUTION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted at a mass meeting of Lithuanian-Americans, in Elizabeth, N.J., on February 16, 1964, relating to Lithuanian independence, which was referred to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with amendments:

H.R. 6196. An act to encourage increased consumption of cotton, to maintain the income of cotton producers, to provide a special research program designed to lower costs of production, and for other purposes (Rept. No. 874); with minority and supplemental views.

(See the remarks of Mr. MANSFIELD relating to the report on the above bill, which appear under a separate heading.)

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. HILL, from the Committee on Labor and Public Welfare:

Leverett Edwards, of Oklahoma, to be a member of the National Mediation Board.

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. MANSFIELD (for himself, Mr. METCALF, Mr. BURDICK, Mr. YOUNG of North Dakota, Mr. McGOVERN, Mr. MILLER, and Mr. HICKENLOOPER):

S. 2525. A bill to restrict imports of beef, veal, and mutton into the United States; to the Committee on Finance.

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

By Mr. EASTLAND:

S. 2526. A bill for the relief of Wright G. James; to the Committee on the Judiciary.

By Mr. ELLENDER (by request):

S. 2527. A bill to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931 (16 U.S.C. 502); to the Committee on Agriculture and Forestry.

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

S. 2528. A bill to amend Public Law 874, 81st Congress, in order to provide assistance to local educational agencies in the education of children of needy families and children residing in areas of substantial unemployment with unemployed parents; to the Committee on Labor and Public Welfare.

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

By Mr. HILL:

S. 2529. A bill to amend the Public Health Service Act to increase the opportunities for training professional nursing personnel, and for other purposes;

S. 2530. A bill to amend the Public Health Service Act to extend the authorization for assistance in the provision of graduate or specialized public health training, and for other purposes; and

S. 2531. A bill to improve the public health through revising, consolidating, and improving the hospital and other medical facilities provisions of the Public Health Service Act; to the Committee on Labor and Public Welfare.

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

S. 2532. A bill to aid in the administration of the Pribilof Islands, in Alaska, by the Secretary of the Interior and to provide for the self-sufficiency of the inhabitants thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2533. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Manson Unit, Chelan Division, Chief Joseph Dam project, Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YARBOROUGH (by request):

S. 2534. A bill to authorize outpatient medical services to certain veterans of World War I, World War II, and the Korean conflict, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. YARBOROUGH:

S. 2535. A bill for the relief of Wong Gar Wah; to the Committee on the Judiciary.

By Mr. ERVIN:

S.J. Res. 157. Joint resolution proposing an amendment to the Constitution to provide a means for determination of the inability of the President to discharge the powers and duties of his office; to the Committee on the Judiciary.

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

RESOLUTION

INVESTIGATION OF GOVERNMENT COMPETITION WITH PRIVATE BUSINESS

Mr. TOWER submitted the following resolution (S. Res. 299); which was referred to the Committee on Government Operations:

Resolved, That the Committee on Government Operations, or any duly authorized

subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study for the purpose of determining—

(1) the extent to which departments and agencies of the Government are engaged in the production or furnishing of goods and services which can be supplied by private enterprise;

(2) the extent to which necessity or the national security require that such goods and services be produced or furnished by departments or agencies of the Government; and

(3) the means and methods by which the function of producing or furnishing such goods and services may be transferred at the earliest practicable time and to the greatest practicable extent to private competitive enterprise within the United States.

SEC. 2. For the purposes of this resolution, the committee, from March 1, 1964, through January 31, 1965, is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized, at its discretion, to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent to the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1965.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $125,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

A BILL TO PROVIDE OUTPATIENT TREATMENT OF VETERANS BY VA HOSPITALS

Mr. YARBOROUGH. Mr. President, I introduce, by request, for appropriate reference, a bill which would permit outpatient treatment by the Veterans' Administration hospitals for veterans of World War I, World War II, or the Korean conflict who are in receipt of a pension under chapter 15, title 38, United States Code.

This is an area where more study is needed. The veteran population is growing older and its health problems are more acute. This bill will give the appropriate committee of the Senate an opportunity to look deeply into this matter.

This bill would extend the outpatient program, which presently exists for veterans of the Spanish-American War, the Boxer Rebellion, and the Philippines Insurrection, to include the veterans of both World Wars and Korea.

Under existing law veterans other than those above mentioned must be admitted to a Veterans' Administration hospital before they can be treated. It might be far less expensive to provide those veterans who do not need extended hospital treatment with this outpatient care.

In any event, I feel that this is a worthy area for extensive study, and this bill provides a vehicle for exploration of the needs and solutions in this area.

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

The bill (S. 2534) to authorize outpatient medical services to certain veterans of World War I, World War II, and the Korean conflict, and for other purposes, introduced by Mr. YARBOROUGH, by request, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

PRESIDENTIAL SUCCESSION AND DISABILITY

Mr. ERVIN. Mr. President, on January 20 I introduced Senate Joint Resolution 147 which would provide a method to select a new Vice President in the event of a vacancy in that office. It would also provide a method to fill vacancies in the offices of the President and the Vice President should these offices be vacant at the same time.

I have testified in support of this joint resolution before the Subcommittee on Consitutional Amendments. That subcommittee had before it eight resolutions dealing with the questions of Presidential succession and disability. Because of the variety of solutions to these vexing problems proposed by these resolutions, I would like to discuss the reasons why I think my resolution best meets the country's needs. Following my remarks on the problem of succession, I shall discuss the problem of Presidential disability and introduce a resolution on that subject.

These are problems of very serious proportions and it is most fitting that so much thought has been given them. I am pleased that there have been proposed a number of constructive solutions to these problems, and I congratulate our distinguished colleague, Senator BAYH, who, as chairman of the Subcommittee on Constitutional Amendments, has conducted hearings on this vital subject.

The system which I have proposed has the advantage of utilizing the same method for filling vacancies in the office of Vice President and in the offices of President and Vice President together. I think that it is necessary to prepare for the possibility, however remote, that both of our top executive positions might be vacant and I think it highly desirable that the same method be used to meet both contingencies.

For this reason, I do not support the system of succession embodied in Senate Joint Resolution 139 or that in Senate Joint Resolution 148. These resolutions provide that upon the succession to the Presidency of the Vice President, he shall nominate a candidate—in the case of Senate Joint Resolution 139—or between two and five candidates—in the case of Senate Joint Resolution 148—to fill the office of the Vice President. Upon confirmation by the Congress of the new President's choice—under Senate Joint Resolution 139—or upon selection by the House of Representatives of one of the new President's nominees—under Senate Joint Resolution 148—the candidate so selected assumes the office. This system, of course, could not be used to fill vacancies in both executive offices because it presupposes the existence of a Vice President who will nominate his successor once he has succeeded to the Presidency.

Uniformity, in this instance, is not dictated solely out of consideration for form. All have agreed that a new Vice President should be selected upon succession to the Presidency of the former Vice President. One of the main reasons for favoring such a plan is the fact that we want the successor to the Presidency to be selected on the basis of a considered judgment that he possesses the characteristics necessary to make a good President. We do not want the potential successor to the Presidency to be a man who, while eminently suited to be Secretary of State or Speaker of the House, lacks the qualities necessary to make a good President. We therefore want to guard against a system of succession which places a man in the Presidency by virtue of the fact that he holds a certain designated office.

If this is true in the case of the man who is to serve as Vice President, it is certainly even more compelling in regard to an individual who is chosen to serve as President. Thus, I feel that we should not provide for the contingency that both our highest executive offices will be vacant at once with a different plan than that which we employ to fill the single vacancy in the Vice-Presidential office.

For this reason, I do not favor a resolution which makes no provision for filling a dual vacancy as is the case of Senate Joint Resolution 148. Nor do I favor meeting this contingency by providing that the Secretary of State succeed to the Presidency, as does Senate Joint Resolution 139. Again, I do not favor this arrangement because the Secretary of State is selected by the President on the basis of his ability to serve in that position; he is not selected by the people or their representatives as President.

I might point out that those who advocate that the members of the Cabinet be first in line of succession in order to avert a situation where a member of one party succeeds a President elected by the other party will also not avoid this possibility. In every recent administration members of both parties have served as Cabinet officers and while, I am sure they faithfully execute administration policy in their particular departments, I have no reason to believe that they share their Chief's views on all policy questions.

Turning to another facet of this question, Mr. President, I want to recall the objection to the Succession Act of 1886 voiced by President Truman. That law, which was in force until 1947 when the present succession law was enacted, provided that the Secretary of State, followed by other members of the Cabinet in stated order, would succeed to the Presidency. President Truman believed that it was undemocratic for a Vice President, who had himself succeeded to

the Office of President, to be able to pick his successor and therefore advocated that elected representatives of the people, the Speaker of the House, and the President pro tempore of the Senate, be first in the line of succession. I believe that as a practical matter the same objection can be made to succession measures which allow the new President to nominate his successor while the Congress merely confirms.

It is my view that during a time of crisis, such as exists following the death of a President, all responsible political factions will rally to the administration. For this reason, it appears to me that a system which allows the new President to nominate his successor would, in practice, be subject to President Truman's objection—it would allow the new President who had not been elected to the Office to handpick his successor. This is true because Congress would be loath to rebuff the new President by refusing to confirm his choice.

Yet this same reluctance on the part of Congress to rebuff the fledgling administration would be an asset in a system which gave to the Congress the authority to select the new Vice President. This reluctance would impede any attempt to cause a change of party in midstream and at the same time would allow the President's successor to be democratically selected.

I think it very important that any President or potential President be selected by a democratic process. The very cumbersome mechanics of a country-wide popular election prevent recourse to this solution when time is of the essence. Nor do I think it feasible to appoint an interim President or Vice President by one method and then fill the office or offices permanently by a future popular election. This would give the interim official no real mandate—a state of affairs we can ill afford in this nuclear age when the events of a week or a day can alter the course of history.

Because the Members of Congress are elected by the people, they best reflect the popular will. Election of executive officers by Congress, puts selection only one step removed from popular vote. Furthermore, my resolution provides that Congress shall meet and vote in joint session, each Member having one vote. Under this system, the preponderance of voting strength rests with the House of Representatives. This is justified, I think, because all the Members of the House are elected every 2 years while only one-third of the Senate is elected concurrently with the President and Vice President. For this reason, the House is more likely to be in accord with the views of the administration. I do not think it is wise to allow one House of Congress to defeat a candidate for whom a majority of the total membership of Congress indicates approval.

I might add, at this point, that I see no reason to restrict the class of persons from whom Congress can select. I think that there are many State Governors or, indeed, distinguished men in the private sector of national life, who are as qualified as any to serve in our highest executive office.

I do not think that election of two Vice Presidents at the time of presidential elections is a felicitous solution to the problem of Presidential succession. For one reason, I share the fear of those who express doubt as to whether the type of person who we would want to be second in line to the Presidency would be willing to serve in this position. It is only recently that we have seen the Vice Presidency become an office of major importance; bisecting it might well impede this salutary trend. I think this plan has another serious defect. It is not inconceivable that tragedy could strike, vacating both Vice Presidential offices and that of the President. It is not rare, at occasions of state, for all our top executive officers to be present, and we cannot forget that ours is the age of the nuclear bomb. An adequate succession plan, I feel, must provide a method to fill any and all vacancies that occur when they occur, a short list of successors will not do.

To those who feel that our present succession law is adequate, let me say that I consider it vital to have at all times a Vice President who can be briefed on and participate in important matters of state. Only in this way can continuity in our Government be assured. But I want to reiterate the statement which I made before the Constitutional Amendments Subcommittee that my objections to the present system do not in any way reflect doubt on the abilities of the Speaker, Mr. McCORMACK, or on the President pro tempore of the Senate, Mr. HAYDEN. Each, I think, would make a fine and able President should he be called upon to serve in that capacity.

PRESIDENTIAL DISABILITY

Mr. President, I now would like to address myself to the question of Presidential disability. I am introducing, for appropriate reference, a joint resolution proposing an amendment to the Constitution relating to Presidential disability which I would like to have printed in the RECORD at the close of my remarks.

While the country has had three different laws relating to succession, none of which we have had to utilize, we have never promulgated a law relating to disability and there have been at least two situations when such a law was needed. Perhaps this deficiency is due to the fact that disability raises thornier and touchier problems than does succession. For solving the problem of Presidential succession involves deciding who can best fill a vacant office. Providing for Presidential disability necessitates selection of those who must make the awesome judgment to remove from office our highest executive officer.

I think that we must look to the Constitution to solve this difficult problem. The Constitution provides a method of impeachment for cause. I see no reason why this same method cannot be invoked to render decision on physical or mental disability. The fifth clause of article I, section 2, of the Constitution gives to the House sole power of impeachment. To the Senate is given the power to try all impeachments in article I, section 3, clause 6. This clause further provides that a two-thirds majority is necessary for removal. The Chief Justice presides over the deliberations.

My resolution follows this system to the extent that that is possible. Under it the House must declare its belief that the President is disabled, and the Senate, presided over by the Chief Justice, must so find by the vote of two-thirds of the Members present.

Impeachment proceedings, of course, contemplate permanent removal from office. Disability, it is always hoped, will be a temporary affliction. Therefore, I have added a second section to provide a mechanism to determine when disability has terminated. The section provides that whenever the President declares in writing that he is no longer disabled, the Senate, sitting as before, shall determine by majority vote whether this is the case.

I know that many will say that this system is unwieldy. But make no mistake, removing a President from office, even temporarily and without blame, is serious business. It is not work for a small group of men, operating out of the searching light of public scrutiny. It is nothing that should be done hastily and without serious deliberation. While its consequences for the individual involved are not so serious as successful impeachment, its consequences for the country are every bit as serious.

Therefore, I oppose all plans for deciding when a President is disabled which place on the Cabinet or on any small group of men this awful burden.

Let us not delude ourselves, either, in a belief that Cabinet members are always united as one behind their Chief. The fact that Edwin Stanton, Secretary of War, in Andrew Johnson's Cabinet actively conspired against the President, while feigning loyalty to him, is well known. One authority on Johnson's impeachment has referred to Stanton as "Iago in the War Department." Johnson's inauspicious inauguration as Vice President perhaps laid the groundwork for the machinations which followed his tenacity as President in maintaining convictions, which he believed in accord with constitutional government and his conscience.

Again, a lesson from the period of President Wilson's disability is instructive. It was well known that the President felt that Secretary of State Lansing was not supporting his policies. If the Cabinet had had the power to remove Woodrow Wilson, there would always be nagging suspicions that their action was motivated out of personal disagreement with the President's policies. This is because the Cabinet, unlike the Congress, does not deliberate in public; it does not marshal the facts openly nor are its conclusions open to public scrutiny.

Therefore, I feel that removal of the President should only be made by a deliberative body whose actions are subject to public scrutiny. The Senate is such a body and such procedure is in keeping with the constitutional precedent for removal from office.

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

without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 157) proposing an amendment to the Constitution to provide a means for determination of the inability of the President to discharge the powers and duties of his office, introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Whenever the House of Representatives, by proceedings taken as in the case of an impeachment, declares its belief that the President has suffered an inability to discharge the powers and duties of his office, the Senate shall determine whether such inability exists. When the Senate is sitting for that purpose, Members thereof shall be on oath or affirmation, and the Chief Justice shall preside. No determination that such disability exists may be made without the concurrence of two-thirds of the Members of the Senate present.

"SEC. 2. Whenever a President as to whom any such determination has been made makes written declaration to the Senate and to the House of Representatives, before the end of the term for which he was elected, that his inability has been removed, the Senate shall determine whether said inability has been removed. Any such determination shall be made in the manner provided by section 1, except that a determination to the effect that the inability of the President has been removed shall be made upon the concurrence of a majority of the Members of the Senate present. Upon the making of any such determination by the Senate, the President shall resume the discharge of the powers and duties of President unless the term for which he was elected shall have expired.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

NOTICE OF HEARINGS ON BILLS FOR PAYMENTS TO SENECA INDIANS

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Idaho [Mr. CHURCH], chairman of the Subcommittee on Indian Affairs, I wish to announce that the subcommittee will hold a hearing on H.R. 1794 and S. 1836, two bills that provide for payments to the Seneca Indians for lands required for the Kinzua Dam and Reservoir in New York and Pennsylvania.

The hearing will be held on Monday, March 2, 1964, at 10 a.m., in room 3110, New Senate Office Building, and all parties who are interested in testifying on this proposed legislation should contact the staff of the Senate Committee on Interior and Insular Affairs at the earliest opportunity.

NOTICE OF PUBLIC HEARING OF NOMINATION OF EDWARD J. BRENNER, OF NEW JERSEY, TO BE COMMISSIONER OF PATENTS

Mr. MCCLELLAN. Mr. President, as chairman of the standing Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I wish to announce that the subcommittee has scheduled a public hearing on the nomination of Edward J. Brenner, of New Jersey, to be Commissioner of Patents.

The hearing will commence on Friday, February 28, at 10 a.m., in room 3302, New Senate Office Building.

Anyone wishing to testify or file a statement for the record should communicate immediately with the office of the subcommittee, room 349–A, Senate Office Building, Washington, D.C., telephone Capitol 4–3121, or Government code 180, extension 2268.

The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Michigan [Mr. HART], the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Hawaii [Mr. FONG], and myself.

A TRIBUTE TO A KENNEDY AID—THEODORE C. SORENSEN

Mr. MANSFIELD. Mr. President, on Monday the Washington Evening Star carried an article by Max Freedman about Theodore Sorensen, one of the late President Kennedy's closest aids.

Occasionally in the limelight, more often in the background, Mr. Sorensen was a principal assistant in the design of the President's domestic policies. Because his thinking on most issues was close to the President's and because he was an expert at translating ideas and ideals into tangible policies, his work in the White House was of immense value to the Nation.

After the assassination, Mr. Sorensen agreed to stay in the White House at the request of President Johnson. But now that the critical period of transition has been successfully passed, Mr. Sorensen is leaving the Government to write a book about President Kennedy. His qualifications for this task are unique, and I am sure that the product of his labors will be an enduring contribution to the historical literature of our times.

Mr. Freedman's article is a fitting tribute in which the outstanding nature of Mr. Sorensen's service to the Nation is revealed with great clarity and perception. I ask unanimous consent that the article previously referred to be printed at this point in the RECORD.

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

[From the Washington (D.C.) Evening Star, Feb. 17, 1964]

A TRIBUTE TO A KENNEDY AID—THEODORE SORENSEN'S ROLE SEEN MORE THAN JUST THAT OF SPEECHWRITER

(By Max Freedman)

On Wednesday, a few days before his departure from Washington, Theodore C. Sorensen, the special counsel for President Kennedy, will be honored at a public ceremony sponsored by the present and former members of the Cabinet and by his closest associates in the Government. It is difficult to recall any other public servant who has received such a tribute, and impossible to think of anyone with an equal claim to public recognition.

It is a strange misconception of Mr. Sorensen's role to think of him primarily or essentially as Mr. Kennedy's most trusted speechwriter. He is the last man to minimize the power of eloquence as the champion of great causes. But he knows that the art of politics consists in turning ideas into achievements; and he towered into greatness as an architect of policy and a master of strategy. He was so valuable to Mr. Kennedy in the drafting of state papers precisely because he was so familiar with the ideals and hopes of the leader whom he delighted to serve.

This surely is the central point, the one which means the most to Mr. Sorensen. He saw in Mr. Kennedy the leader who embodied and fulfilled his own highest principles of government. It was never necessary for Mr. Sorensen to attribute to Mr. Kennedy any spacious ideals of his own. His task was rather to draw out and express the ideals which glowed with quiet passion in Mr. Kennedy's mind and heart.

One tiny story will illustrate the almost unique gift which Mr. Sorensen and Mr. Kennedy both had in being able to laugh at themselves without ever laughing at their principles. Within a few days of its delivery, President Kennedy's inaugural address, with its soaring eloquence and majestic idealism, was universally recognized as a noble affirmation of the faith which has often glorified America in times of challenge. The overflowing praise rather embarrassed the President, and one day Mr. Sorensen drew gusts of laughter from Mr. Kennedy by bringing him a hilarious parody—never published to this day—of the inaugural address.

Now Mr. Sorensen would have put his hand in the fire to protect the principles of that speech, and Mr. Kennedy served those ideals with gay courage to the moment of his death. For both of them what mattered above everything else was the victory of principles, not the glory of words; and they shrank with wise reserve from turning the tributes to the speech into the exaltation of the speaker.

We are fortunate beyond the usual measure of men in knowing that before many months have passed we will be able to look at President Kennedy and the record of his administration through the eyes of Mr. Sorensen and Arthur Schlesinger, Jr. Their two books will not be competitive, for they will approach their subject from different points of view, and will throw accumulated light on a gallant and unforgettable figure.

Mr. Schlesinger came to the White House with an established reputation as a historian, a biographer, and an interpreter, and defender of democratic values. His years in the White House add another notable chapter to his record of public service. But with Mr. Sorensen it is rather different. He will not only be rearing a monument to Mr. Kennedy; he will also be going on a pilgrimage into his own past. He has it within his power to write a book about President Kennedy that will be at once unique, invulnerable and immortal, if it is no exaggeration to use Augustine Birrell's words in tribute to Gibbon.

Then, his task completed, Mr. Sorensen will be on his own. That may well be the beginning of a new career of great significance for the American people. Mr. Sorensen will not seek elected office for himself; but in the world of ideas and in the clash of debate his influence will often count de-

cisively, and it will be an influence with which scrambling politicians will have to reckon. Countless people, especially young people with an adventurous faith in the destiny of America, look to Mr. Sorensen as a spokesman for their hopes. Not even the cruel changes of a democracy can dim our memory of his valiant services, nor extinguish our conviction that in service to President Johnson and other Presidents he will many times place the whole country again under obligation to him.

THE 100TH ANNIVERSARY OF THE DEATH OF FATHER MAZZUCHELLI—WHAT ONE MAN DID FOR HIS COUNTRY

Mr. PROXMIRE. Mr. President, today marks the 100th anniversary of the death of Father Samuel Charles Mazzuchelli. Father Mazzuchelli did not ask what his country could do for him but he spent 34 years doing for his country in educational, civic, architectural, and religious fields. One hundred years ago, when pioneers were building the West on the constitutional rock of the Founding Fathers, Samuel Charles Mazzuchelli, missionary, died a victim of doing for others, having contracted pneumonia on an errand of mercy for a neighbor in southwestern Wisconsin.

Citizens of Wisconsin, Iowa, and Illinois have long honored Mazzuchelli in their territory as "Builder of the West." On the centennial of his death, February 23, 1864, we wish to go on record here today in the Congress of the United States as striving to make him known to a wider circle of Americans.

As a missionary builder, his transforming touch—both apostolic and architectural—helps to make "America beautiful for patriots' dream that sees beyond the years." In 1830, Samuel Mazzuchelli was the solitary priest from the waters of Lakes Huron and Michigan to the Mississippi across the widespread prairies of Wisconsin, Iowa, and Illinois. Italian born, he came to the United States as a Dominican missionary in 1828. Newly ordained in Cincinnati, he set out from there to serve the inhabitants of Michigan Territory, beginning at Mackinac and Green Bay.

Reared in the Old World refinement of a comfortable Milanese family, he bore the privations of the wilderness with urbanity and courage. He traveled by canoe, on foot, on snowshoes, and on horseback. He shared the Indian's tepee and the white man's cabin. He was a friend of tribal chieftain and fort commandant. He planned the first curriculum for Indians in native idiom and cooperated with the Indian agents in Green Bay and Fort Winnebago to improve the lot of the Menominee, Winnebago, and Chippewa. He published the first book to be printed in what is now the State of Wisconsin in 1834.

Father Mazzuchelli also planned an adult education class for Indians as well as a curriculum for their children in the mission school, including a program of agriculture, manual training and domestic arts hitherto unknown among the aborigines. He attempted to redress the wrongs committed against the Indians and petitioned the Indian Affairs Bureau in Washington for money to further the red man's education. He once wrote, "It is just as hard for the Indian to leave his home as it is for a white man." He could say this with feeling as he himself was a voluntary exile.

From 1835 to 1843 the missionary followed the direction of the Mississippi through Portage, Prairie du Chien, Benton, Galena, to Dubuque, Garryowen, Bellevue, Muscatine, Davenport, and Burlington, teaching, designing, sharing, ministering to the sick in numerous epidemics.

Always a participant in civic concerns, he discoursed with preachers of other beliefs, some of whom donated to his church-building funds. He was always amiable, excluding no one from the scope of his charity, whatever their rank, means, race or religion.

Political assemblies, public ceremonies, national holidays, social gatherings were all opportunities to speak about God and the moral obligations of citizens to serve their country which he constantly praised as a gift of God's bounty. These are his words from a public address in 1835:

> The Supreme Maker has opened before us the treasures of His benevolence by locating us in a country which His almighty power and infinite providence has made to abound with all that is necessary and useful to human life.

Friends of Father Mazzuchelli included all classes: Indian braves, French traders, German farmers, Irish miners, pioneer Americans, all won over and charmed by his courtly Old World manners and his priestly example. Civic leaders like Henry Dodge, Wisconsin's first Governor; George Wallace Jones, Iowa's first Senator, and Chief Justice Dunn sought his advice.

One historian recorded that "the esteem in which he was held by all classes marked him not only as a great priest but also as a great citizen." When the first legislature of the Territory of Wisconsin convened in Belmont in 1836, he was the chaplain and at the opening session addressed the members on government.

At the first Independence Day rally held in Dubuque, Iowa, that same year he gave the following toast:

> May the American Republic be lasting, glorious, and powerful and may Wisconsin Territory whose birthday we celebrate shortly be not inferior to any of the States.

Wisconsin Territory included both Wisconsin and Iowa until 1838.

When the legislature next convened in Burlington he persuaded the Senate to hold its sessions in his yet undedicated church of Saint Paul.

Mazzuchelli's understanding of the principles of American law and life amazes the native born. Though foreign by birth and education, he understood and loved America and applied for citizenship in 1842. A chapter in his "Memoirs"—written in 1844—notable for its correctness of thought and lucidity of exposition, is that which describes the relations of church and state in the American Republic. It reads in part:

> The Constitution of this great Republic was framed by the representatives of the people, who all on one plane of equality, were not willing to yield to the law the very least right over their particular and multiform religious creeds; on the other hand, the design of the Constitution was simply to provide for the well-being of each individual, giving him a guarantee for everything pertaining to him as personal property.

Again:

> The legislators of the United States had in view the establishment in their law of that straight line which separates the civil power from conscience, leaving to this last, all doctrines, true or false, with all their present and future consequences, good or bad. The very fact that the civil authority is obliged to protect the citizen in the practice of his devotions is the very strongest proof that the majority is religiously inclined. Woe to that country if the mass of its people shall ever become unbelievers. Then will religion lose that protection which makes it now so free to act * * * a republic demoralized is worse than any form of government whatever.

From the "Iowa Historical Annals" comes the following summary tribute of Father Mazzuchelli's role in the building of the Nation:

> Of all the pioneers of civilization in the interiors of our frontiers, few have contributed more largely to its diffusion, less numerous still are those who are identified more intimately in the formation of the States. And among those, no one has loved more profoundly the institutions of our country and foresaw more clearly our splendid successes than Samuel Charles Mazzuchelli.

The last 20 years of his life were devoted to forming good citizens through pastoral and educational pursuits. Sinsinawa Mound College for men, St. Clara Academy for girls; and the American Congregation of the Most Holy Rosary, a teaching sisterhood that today perpetuates the social principles he enacted during his busy apostolate—these institutions were among the first to be chartered by the new State of Wisconsin. The latter two foundations still function usefully as the crowning achievements in a life of teaching and building. Twenty-four churches as well as a number of public buildings, making some 30 establishments in all, are credited to his apostolic zeal and architectural skill.

This patriot-preacher designed the courthouse and markethouse at Galena, Ill.; the courthouse at Fort Madison, Iowa, and is credited with being consultant architect of the old State capitol of Iowa City. He planned streets for Iowa City and named many of the streets in Shullsburg, Wis. This town has acquired some fame due to the uniqueness of those names, including faith, charity, justice, truth, goodness, and judgment.

It would not be an exaggeration to say that with his draftman's tools, this "Builder of the West" literally carved for himself a niche in the Hall of Fame in our Nation's Capitol. Whether or not his adopted country will ever place his statue there, he remains a creditor

whom no material monument could in fact repay.

The Galena Gazette of September 26, 1835, quoted from Father Mazzuchelli's speech at a cornerstone laying:

Be it then our most sacred duty to defend the rights and liberties of this land, even to the cost of our lives when so required because having our patriotism strengthened and invigorated by the love of God and our neighbor, we are necessarily induced into the obligation of becoming useful members of society.

From the same speech:

The land in which we dwell together becomes a strong bond of union between us. Thus, we become animated by a noble and patriotic zeal and courage in the defense or protection of all its interests, either ecclesiastical or civil.

And finally:

The peaceful man must see that Christianity is the most powerful promoter of peace and tranquillity of states; and the patriotic mind has to be convinced that it inspires men with that love of their own country which has ever been the peculiar characteristic of great and exalted minds.

Father Mazzuchelli scorned the American dollar in his own interest, but lived his life under its motto, "In God We Trust." His varied interests and multiple talents are expressed in the American slogan for the union of States: "E Pluribus Unum." Like the American eagle he drew great lines across the sky of American life. He carried the twin standards of faith and freedom into unchartered areas of the Midwest and because of his lone and early passage, the migration of many others was made easier.

Unaware no doubt of the symbolism which is apparent today, the missionary chose the Mound of Sinsinawa, which is the Indian word for eagle, to build the foundation which makes Sinsinawa a significant word through the 132 schools and the 102,000 pupils taught by his Dominican Sisters of Sinsinawa throughout the United States.

Men of action must first be men of dreams. If the realization of patriots' dreams falls short of building those "alabaster cities that gleam undimmed by human tears," it is the failure of their successors that cause the tears and not the stuff of which the dreams are made.

When Father Mazzuchelli died in 1864 the story of his career was widely printed in newspapers across the country. The San Francisco Monitor, the Cincinnati Telegraph, and the Metropolitan Record of New York carried eulogies. From the Record, May 28, 1864, the following is an exerpt:

Today he [Samuel Mazzuchelli] is found at the mansion of the affluent; tomorrow in the hovel of the poor; but for all alike he had that modest look of persuasive eloquence whose command was irresistible. There he is, high upon the scaffold of a church, with coat off and sleeves tucked up, industriously at work in brick and mortar. In the evening, you see him in the pulpit discoursing on * * * Christian philosophy, and tomorrow he lectures on the science of political economy, but always and everywhere present when sacred duties of the ministry required. Wonderful little man.

INTERNATIONAL COFFEE AGREEMENT

Mr. PROXMIRE. Mr. President, last year the Senate considered the International Coffee Agreement. At that time I protested that it was a long step in the direction of international, worldwide price supports.

In view of the unfortunate consequences of domestic price supports, with the enormous burden on our taxpayer, and the pitiful results for our farmers, I felt that it was a mistake. A constituent of mine in Milwaukee, Leonard Campbell, has written to me, pointing out eloquently the impact of the coffee situation on his business, the great increase in cost, and what it has done to him.

I have had occasion to talk with a large number of restaurant owners in Wisconsin in recent days, and they also report that the international coffee situation has developed to the point where they have to pay an extremely high price for their coffee, which is, of course, essential for their operation.

I ask unanimous consent that this excellent letter from Mr. Leonard Campbell and two clippings on the matter from the Milwaukee Journal be printed in the RECORD at this point.

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

HOT COFFEE SERVICE,
Milwaukee, Wis., February 15, 1964.

Senator WILLIAM PROXMIRE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: We are faced with a problem that to us is quite serious, and it appears to be getting steadily worse. Whether or not you can be of help to us is a matter of conjecture. We will assure you of our sincere appreciation for any assistance that you may find possible to render in the amelioration of our situation.

Our problem is basically the adverse effect that the recent drastic increases in coffee prices is having on our business. We are a small business operating in the traditional manner under our American free enterprise system, which we believe to be the finest and fairest of them all. We are sure that you share our opinion in this point of view.

We genuinely try to make the most of our opportunities and thereby contribute our modest share to the growth and welfare of our community, our State, and our Nation, in the true spirit of good citizenship. In so doing we provide self-sufficiency through steady employment, for five families, and are able to make our share of tax dollars continue to flow into the proper channels in support of our various levels of government, local, State, and National. We are indeed proud to have the opportunity of participating in this great American way of life, but we are likewise finding it more and more difficult to maintain our normal incentive, which is, of course, the opportunity to earn a reasonable return on our investment of funds, time and effort devoted to our business enterprise.

We are particularly restricted in our ability to defend our position against the inroads of increasing costs of our basic commodity ingredient, namely coffee, inasmuch as we cannot merely "pass along" the increases in price which comes to us, by raising our selling price. Were we in the ordinary channels of trade such as the wholesale or retail outlets, or restaurant or catering fields, we could probably minimize the effect of higher costs, by corresponding increases in our selling price. But, sir, we are not able to do this because we sell our coffee a cup at a time through coin operated vending machines. We are virtually "locked in" as far as our selling price is concerned. It is actually neither feasible nor desirable to undertake "odd penny" pricing in our business, due to mechanical and other practical considerations.

Now our purpose in writing to you about this dilemma, Senator, is to ask whether you can help us to try to get some relief from this sharply increasing price of coffee. We understand that the recent spurt in coffee prices is largely caused by the action of the International Coffee Agreement, which is aimed at raising world coffee prices for the benefit of the coffee producing countries.

We enclose a couple of clippings from the Milwaukee Journal which comment on this situation. It is interesting to note that one of these contains the statement that this International Coffee Agreement's effect largely depends upon the ratification of the U.S. Senate, without which the agreement becomes virtually useless, and by implication, coffee prices will cease to be artificially skyrocketed, and will be restored to their normal levels based upon world supply and demand. If this bit of reporting by our local paper is accurate, you can understand of course why we hasten to appeal to you as our U.S. Senator, to support our pleas for help. We want to avoid being "bled to death" in order to subsidize the coffee producers.

Rightly or not, we have the impression that much of the effort on the part of our Government in rendering economic aid in whatever form it may take, to the Latin American countries, is intended to overcome the influence of communistic subversion being so actively directed by the Castro regime from Cuba. We wholeheartedly support this objective. However, we note from a recent statement in the Milwaukee Journal, a copy of which is attached herewith, that our contribution to 11 of the principal coffee producing countries, under the Alliance for Progress program, amounts to $1,101 million during the past 2 years.

We cannot help but wonder how far it is deemed necessary and prudent to go in pursuing this program of financial aid to our neighbors to the south of us, especially when the effect of it begins to hit our own citizens here at home so hard, in the form of sharp increases in commodity prices such as the present coffee situation reflects, in addition to inevitable increases that must be expected in the form of further tax burdens that will have to come in order that such programs can be maintained.

It would be our hope, that the benefits of the general aid extended under the Alliance for Progress would suffice to illustrate our unmatched benevolence to these people, without the necessity of further penalizing our already overburdened business people and citizens in general with painful price increases on our daily cup of coffee.

You may or may not realize it, Senator, but we speak for a fairly substantial group in the vending industry in making this plea. Not officially, of course, but what goes for us as individuals, also pertains to the entire vending industry which is dependent to a considerable extent on the sale of coffee through coin operated dispensing machines, for a satisfactory livelihood. The latest estimates of sales of coffee by this means, for 1963, is from $250 million to $260 million which is a lot of cups of coffee. Each and every cup sold is subject to the inexorable price squeeze inflicted upon the businessmen who operate these coffee vending machines.

We respectfully ask you to pause in reflection of the problem that this Interna-

tional Coffee Agreement imposes upon this group of hard-working Americans, who are completely helpless to combat the adverse affects of this coffee price squeeze.

If it is true that the ratification of this International Coffee Agreement is still to be acted upon by the U.S. Senate, we urge that you use whatever influence you may deem proper in explaining our situation to those Senators whose direct vote will determine the acceptance or rejection of this agreement on behalf of the United States.

We would greatly appreciate your comments on this matter, at your earliest convenience.

Sincerely yours,

LEONARD CAMPBELL.

1961–63 aid granted to 11 coffee-producing nations, Alliance for Progress program

Country:	*Million*
Mexico	$191
Guatemala	23
El Salvador	46
Nicaragua	21
Costa Rica	25
Panama	34
Honduras	16
Ecuador	73
Colombia	202
Venezuela	112
Brazil	358
Total	1,101

[From the Milwaukee Journal]

SEEK TO HALT RISE OF COFFEE PRICES

LONDON, ENGLAND.—An emergency meeting of the 58 member International Coffee Council has been requested for February 10 to consider ways of halting recent sharp price rises.

Joao Santos, executive director of the council, said the request came after a week of discussion by the organization's 14 member executive board.

Reliable sources said the board had agreed to bring about 2 million extra bags of coffee into the market to counter price increases.

GROUNDS IN THE COFFEE

Certainly most people sip their morning coffee without a thought to the international economic and political implications of the steaming black liquid.

In terms of global trade, coffee is the second most important commodity in the world exceeded only by petroleum. It is cultivated in 70 countries and in 9 of these accounts for more than 50 percent of all foreign exchange earnings.

New problems are now percolating in the world coffee market. Wholesale prices, which dropped to a 14-year low last summer, have since spurted more than 30 percent. The executive board of the International Coffee Agreement, a pact drafted last year by 57 producing and consuming countries in an effort to stabilize the market, now has under consideration a request immediately to increase coffee export quotas. The intention is to inflate supply of world coffee and thereby depress prices.

Source of the present trouble seems to be a shortage of supply, which Brazil and other coffee lands attribute to recent drought and fire damage to trees. This explanation is challenged in some quarters as a counterfeit excuse for driving up prices.

Whatever the reason, the situation is raising doubts about the entire coffee agreement in the U.S. Senate, which has yet to ratify the pact. Without U.S. approval the agreement is virtually worthless, since Americans consume more than half the world's coffee.

The principal motive behind the international agreement—to help insure a stable source of income for some of the world's poorest lands—is basically sound. It would be most unfortunate if an apparently temporary market condition were allowed to dash such a worthy goal.

NEW HAMPSHIRE FEDERATION OF WOMEN'S CLUBS SUPPORTS DETERGENT CONTROL

Mr. McINTYRE. Mr. President, the New Hampshire Federation of Women's Clubs supports congressional action to banish detergent residues from our streams and ground water. The Senate has passed amendments to the Federal Water Pollution Control Act which include a measure of control over the water problems created by nondecomposable detergents. These problems include persistent foaming, increasing ability to penetrate substrata to contaminate wells, changes in oxygen content of streams, and impaired efficiency of municipal sewage treatment works. I am highly gratified by the public-spirited response of the New Hampshire Federation of Women's Clubs to this problem and ask unanimous consent that the resolution passed by their midwinter meeting at Concord on January 22, 1964, be printed in the RECORD.

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

WATER POLLUTION CONTROL 1964

Whereas the lakes, rivers and streams of New Hampshire are vital to its very existence; to its economic and social progress; and to the public health and welfare of its people; and

Whereas the domestic agricultural, fishing, wildlife, industrial productive capacity and recreational uses are seriously threatened because of pollution of our streams, rivers and lakes, and

Whereas prevention and control of pollution is necessary to serve the widest possible range of human needs; and the presence of nonbiodegradable chemicals in detergents is causing serious problems in municipal and private sewage treatment plants; is polluting our rivers, lakes and streams, and has already reached the underground water table, thus polluting both public and private wells;

Whereas the responsibility of water pollution control is primarily State and local: Therefore be it

Resolved, That the New Hampshire Federation of Women's Clubs urges its members to promote a program of education emphasizing the urgency of prevention and control of water pollutants; and further

Resolved, That the New Hampshire Federation of Women's Clubs urges that (1) private industry, local, State and Federal agencies encourage research and that they cooperate to accomplish adequate water supply and pollution abatement; that (2) pollution control be developed as an integral part of river-basin programs; and that (3) stronger regulatory laws including the ban on nonbiodegradable detergents be enacted to improve water pollution control.

HELEN P. MADAN
Mrs. Edwin S. MaDan,
Chairman, Conservation Department, New Hampshire Federation of Women's Clubs.

UNIVERSITY OF NEW HAMPSHIRE PIONEERS IN ENGINEERING EDUCATION

Mr. McINTYRE. Mr. President, the United States is engaged in an undramatic effort to solve a critical problem, the shortage of well qualified scientists and engineers. We have heard a great deal about the "brain drain" of senior scientists and recent Ph. D.'s from Great Britain to the United States. The reservoir of top-flight scientific manpower upon which a nation may draw is obviously a matter of central concern. The Engineering Manpower Commission is a private body that has done excellent work in this field. Their 1963 report stated:

In the face of growing need, the year-by-year decline in engineering enrollments and graduations poses a severe threat to our Nation's wholesome industrial and economic growth, as well as to its influence as a stabilizing force in the free world.

I am pleased to note, Mr. President, that the National Science Foundation will devote the principal part of their effort, in the first year of implementing President Kennedy's scientific manpower program, to the critical need for more graduate degree awards in engineering. We must increase not only the number of engineers working for government and industry, but also the number who will become teachers of engineering. Thus I welcome the leadership of the University of New Hampshire in this area of critical national need.

I ask unanimous consent that W. Arthur Grant's article, "University Pioneers a Plan for More Engineers," from the University of New Hampshire Alumnus for February 1964 be printed at the conclusion of these remarks.

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

UNIVERSITY PIONEERS A PLAN FOR MORE ENGINEERS

(By W. Arthur Grant)

Amid mounting evidence that cold war skirmishes of the late 1960's and early 1970's will increasingly be waged on the production line, many informed voices are echoing concern over the fact that during the next decade, Russia will graduate 1.4 million engineers as against an estimated 435,000 in the United States.

The predicted shortage of trained engineering talent is a particularly vexing one for the United States. Declining enrollments in the Nation's engineering colleges—and shrinking graduating classes—come at a time when hard-sell recruitment programs seek to excite would-be engineers with salaries, status and other inducements considered the acme in careerism today.

A committee on engineering student attrition, appointed by the Engineering Manpower Commission to make a nationwide survey of the problem last spring, pointed its finger at the Nation's colleges as a major factor.

Attrition rates of from 30 to 50 percent among technology colleges in the United States are "discouraging large numbers of capable students from even considering engineering as a career," the committee reported. It observed:

"A surprisingly large number of students who have both the talent and the desire for engineering fall by the wayside in educational systems that are archaic, haphazard, impersonal, and lacking in vital motivation."

The University of New Hampshire's College of Technology arrived at a similar judgment nearly 4 years ago after a critical examination of its engineering student attrition rate. From that exhaustive review emerged a new philosophy and a fresh approach, a

prototype of programs now under consideration on the campuses of many engineering colleges.

The UNH plan has two distinct phases:

1. A reduction in the traditionally high attrition rate among student engineers to preserve their thin ranks and thereby increase the number of graduating engineers;

2. The seeking out and encouraging of more talented young men and women to enroll in the university's College of Technology.

Four years have passed since the university came to grips with the problem. The effort began in 1959 shortly after Dr. Robert N. Faiman became dean of the College of Technology. After 18 months' service with the engineering sciences program of the National Science Foundation in Washington, D.C., Dean Faiman was deeply concerned over the Nation's critical demand for engineering talent and the tremendous loss of potential engineers on college campuses.

A statistical survey of the class which entered the College of Technology in 1958 revealed that nearly 50 percent had voluntarily withdrawn from the college, transferred to nonengineering courses, or had failed to satisfy the college's academic requirements in their first year. The casualty rate was typical of experience in America's engineering schools over the past 40 years. But New Hampshire decided to do something about it and this winter the college could report that 85 percent of its 1962 freshman engineering class had successfully completed its first-year studies.

During the intervening years, a variety of committees had investigated and made recommendations on a wide range of problems bearing on the engineering-student attrition rate. Almost to a man, the investigators underscored the importance of student motivation. To deal with this factor, the college developed a new basic technology course for freshman engineers. Dr. Oswald T. Zimmerman, chairman of the department of chemical engineering and one of the founders of the course, explains:

"These youngsters come to us to become engineers but, traditionally, they have spent their first 2 years in basic science and mathematics courses that afforded little or no contact with engineering. We wanted to introduce the engineering fields to them and, at the same time, demonstrate the tie between these subjects and their future careers."

The new course strikes directly at one of the biggest weaknesses among today's students—an inability to translate word problems into mathematical formulas for solution purposes.

"These students are adept at understanding the principles of mathematics and engineering but they falter when they have to use precise measures to determine exact answers," reports Prof. Alden L. Winn, chairman of the department of electrical engineering and one of the eight veteran faculty members who teach the course.

The basic technology course also introduces computer programing, formerly reserved for the junior and senior years.

Motivation and problem-solving deficiencies also figured in the development of a revised basic physics course for freshman engineers.

In colleges across the country, students in basic courses have traditionally studied only classical material—developments within the physics field prior to 1900. Modern physics, encompassing such post-1900 developments as atomic, nuclear, and relativity theories, have generally been left for specialized study in the upper-class years.

"In essence, our youngsters have been studying the same material and doing the same experiments their fathers and grandfathers did," explains Dr. Robert E. Houston, Jr., associate professor of physics who directed development of the revised program.

"While interested and quite knowledgeable in the terminology of modern physics—which they read about in their daily newspapers—they had little classroom contact with it," he adds.

The new physics program is a 1½-year course which stresses the teaching of about 10 fundamental conservation principles as they apply to both classical and modern physics, and thus demonstrate the unity of the entire discipline.

The course, with revised experimental work each year, offers a quick look at the highlights of physics and, in its second and third semesters, goes into the conceptual and mathematical details of those highlights. It has helped reduce the failure rate among physics students from 35 percent in 1959 to less than 10 percent last year.

In yet another area, the College of Technology has dramatically overhauled the 1½-year mathematics program required of all freshman engineers. Calculus is now the basic course, replacing a previous combination of algebra-trigonometry and calculus-analytical geometry in separate semesters.

A remarkable new placement test has been devised to place freshmen in graded math sections. About 80 percent of entering freshman engineers have a better than 3-to-1 chance of earning a grade of C or better and are assigned to a main or fast track calculus course. The other 20 percent—students who would be quite probable casualties in the fast course—are placed in slower sections offering more time for individual and remedial attention.

Dr. M. Evans Monroe, chairman of the department of mathematics, states that nearly 40 percent of the 1959 freshman engineers failed the new calculus course without the benefit of the ability-graded sections. Last year, only 14 percent failed and withdrawals have dropped from 24 in 1959 to only 4 this past year.

Many other factors enter into the UNH plan. They include revamping of the faculty adviser program, an emphasis upon use of the college's most experienced teachers to instruct first-year courses, and a sweeping study of outside-the-classroom influences upon students—ranging from the environment in which they study to the off-campus professional contacts available to them.

Dr. John B. Hraba, associate dean of the college, sums up the college's new philosophy:

"With very few exceptions, we know that every student admitted to this college is capable of succeeding—if he wants to. Our attention continues to be centered on the factors which cause otherwise able students to fail."

With New Hampshire's pioneering work behind him, it was not surprising that Dean Faiman should be selected by the engineers joint council to serve on its committee on engineering student attrition—or that many of the recommendations proposed by the committee to the Nation's engineering colleges should reflect actions undertaken at UNH.

Fortified with the brightened prospects for success which their college can now offer, teams from the College of Technology are today beating a path to secondary schools throughout the East in search of engineering candidates. This is the implementation of the second phase of the UNH plan.

The importance of their mission is underscored by the Manpower Commission's admonition: "Competition with Europe, Russia and Japan will mount at an accelerating pace, jeopardizing large sectors of American industry. Beyond our own needs, there is our growing moral commitment to the free world to assist newly emerging nations in their educational and technological growth. The technological manpower pools of these competitive nations (Russia and the United States) could be a decisive force in the struggle between communism and the free world."

MENTAL HEALTH CHALLENGE

Mr. TALMADGE. Mr. President, a great deal has been accomplished in recent years in the area of mental health, on both the National and State levels.

Of this we can be proud, but we know that much remains to be done. This Congress last year enacted into law a provision for Federal matching funds for the construction of community mental health centers throughout the Nation. I consider this one of the most important actions of the Congress, and believe it to be a significant step toward the solution of the problems of the mentally ill.

In a recent address before the annual convention of the Georgia Association for Mental Health in Macon, Ga., Mr. Mike Gorman, executive director, the National Committee Against Mental Illness, rightly pointed out that it is now up to local communities to translate this new legislation into specific programs.

Mr. President, Mr. Gorman's splendid address is deserving of wide dissemination, and I ask unanimous consent that it be printed in the RECORD.

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

THE NEW MENTAL HEALTH CHALLENGE FOR ALL AMERICANS

(By Mike Gorman, Washington, D.C.)

The gauntlet was thrown down by our martyred President less than a year ago when he sent to the Congress the first message on mental health and mental retardation ever submitted by a Chief Executive of this Nation. In that message, he said: "This situation has been tolerated far too long. It has troubled our national conscience—but only as a problem unpleasant to mention, easy to postpone and despairing of solution. * * * The time has come for a bold new approach."

The Congress responded to the challenge and enacted into law a bill providing Federal matching funds for the construction of mental health and mental retardation centers in the heart of the community. In affixing his signature to this legislation on October 31, 1963, former President Kennedy noted: "The Nation owes a debt of gratitude to all who have made this legislation possible. It was said, in an earlier age, that the mind of man is a far country which can neither be approached nor explored. But, today, under present conditions of scientific achievement, it will be possible for a nation as rich in human and material resources as ours to make the remote reaches of the mind accessible. The mentally ill and the mentally retarded need no longer be alien to our affections or beyond the help of our communities."

There is really no way in which I can adequately convey to you the historic, precedent-shattering importance of this legislation. In very simple terms, it repudiates two centuries of isolation and custodial confinement of the mentally ill, and it proclaims their inalienable right to skilled and compassionate treatment in the milieu in which they live, love, work, and aspire.

Describing this legislation as "one of the boldest programs in the field of mental health in the history of the world," Senator HUBERT HUMPHREY told the annual convention of the National Association of Mental Health last November that if the 1st session of the 88th Congress had achieved noth-

ing more than the passage of President Kennedy's mental health program, it could lay justifiable claim to a memorable record.

The task before all of us now, here in Georgia and throughout the Nation, is to translate these new concepts for the care of the mentally ill from broad generalities into specific programs.

In the words of Ralph Waldo Emerson: "Go put your creed into your deed."

Let us remember that we must honor a solemn commitment to the Congress and to the American people in putting this community mental health concept into effect.

Your program for this convention lists separate panels on attitudes and services. I submit that these two areas are closely related—that through the provision of intensive care for the mentally ill when it is needed and where it is needed, you will do more to change community attitudes than through a hundred pamphlets or a thousand speeches.

As a first step you are engaged here, as are your sister States throughout the country, in comprehensive planning designed to develop solid foundations for new mental health services tailored to meet the specific needs of each community.

This is a precious opportunity which must not be missed. Noting that this is the first time such a total planning effort has been made in any health area, Dr. Robert Felix observed recently that "the mental health field, which for so long lagged behind other health areas, has an opportunity to demonstrate on a national scale the value of comprehensive, long-term planning in a broad medical-social problem area."

Hundreds of professional workers will be involved in hammering out these plans over the next several years, but they must be augmented and guided by thousands upon thousands of citizens who care so deeply that they will insist upon a clean break with the custodial past.

First and foremost, we must realize that this is a long, uphill fight. Equally important, we must abandon the mendicant, somewhat apologetic approach we take when we ask for a few crumbs from our national bounty. Our stance must be vigorous, aggressive and unwavering in our continued efforts to shape a new and enlightened national policy for the care and treatment of the mentally ill.

In doing this, we must adhere to a boldly proclaimed set of minimum standards short of which we will not compromise under any circumstances.

In testifying before a congressional committee last year, I said that in the same manner as we talk of the right of a child to a good public education, we must talk of the right of every individual who needs it to early psychiatric treatment designed to make him a happier and more effective individual. Dr. B. H. McNeel, commissioner of mental hospitals of Ontario in Canada, summed up this minimum medical demand concisely when he said recently: "Adequate treatment should be available for all psychiatric patients as early as possible, as continuously as possible, with as little dislocation as possible, and with as much social restoration as possible. Treatment should be available on the job, but if that is not possible, with the patient still living at home, and if that is not possible, it should be done in the community, and if that is not possible, then without breaking the ties which commit the patient to his community."

As a statement of our national objectives in the mental health field, I commend to you the words of Dr. Felix, who told the Congress last year that "public mental hospitals as we know them today can disappear in 25 years" if all levels of government and the public at large unite in this great endeavor.

We must devote particular attention to the several millions of Americans who need psychiatric treatment, but cannot get it today because it is too expensive. There is no point in establishing a chain of community mental health centers designed to apply psychiatric band-aids to neurotics from middle-income and upper-income groups. We must first of all guarantee treatment in depth to those who are seriously ill.

We have been much too gentle in calling health insurance plans to task on this point. Many health insurance plans still discriminate against the hospitalized mentally ill. Furthermore, as we move out into the community, we face a real challenge in convincing these health insurance plans that it is wiser and far less expensive to cover the patient on a short-term ambulatory basis than in any expensive hospital bed. In a long and somewhat wearying experience dealing with executions of these plans, I am convinced that they will take no forward steps of this kind unless the public pressure is intense.

We must supply that pressure.

We face an exciting challenge in providing psychiatric services for emotionally disturbed children. Here again, we have often settled for the bare minimum—a separately designated ward in an overcrowded state nospital or, infrequently, a 10- to 20-bed unit which is almost immediately overloaded with a backlog of cases.

Happily, there are places in this country where the mendicant approach is being abandoned.

Several months ago, I spent a day visiting the Massachusetts Mental Health Center in Boston. Its buildings are not very prepossessing, but its services to suffering mankind are magnificent. With a full-time staff of 14 psychiatrists, plus 59 psychiatric residents, it handles 4,000 patients a year. Its doors are open to all, yet it has no waiting list. In its emergency walk-in clinic, it handles more than 2,000 patients a year. It assigns patients to its various services—the 24-hour hospital, the day hospital, the night hospital, or the emergency clinic—on the basis of psychiatric need, not on the basis of ability to pay or the comfort of the staff.

As we go about the task of building a nationwide chain of community mental health centers, we will run up against the negativists who argue that the goals we set are impossible because we do not have the manpower.

In 1947, the National Institute of Mental Health was allocated $1 million to inaugurate a training program in the various psychiatric disciplines. In that first year, it supported the training of 219 professionals. The negativists argued that this was about the limit—the field of mental illness was too discouraging and dreary to attract many new people.

How wrong these naysayers have been. Federal and State training programs more than doubled the number of psychiatrists, clinical psychologists, social workers and psychiatric nurses in a decade—from about 22,000 in 1950 to 45,000 in 1960. The current training program of the National Institute of Mental Health is supporting close to 4,000 trainees a year, and a most conservative estimate indicates that there will be 85,000 professional workers in the key mental health disciplines available to this country by 1970.

Furthermore, we have just begun to tap the potential of professional and nonprofessional people in related fields. For example, during the past 5 years, thousands of family physicians, pediatricians, and other nonpsychiatric specialists have enrolled in formal, postgraduate courses designed to increase their psychiatric skills. These physicians, who will be given the opportunity to hospitalize their emotionally disturbed patients in the new mental health centers, will provide an enormous complement of additional skilled manpower.

By the same token, we must avail ourselves of the skills of other members of the medical team. Your use, here in Georgia, of the public health nurse as the contact and followup person with mentally ill patients and their families is but one of the many illustrations of the new flexibility we must adopt.

If and when we satisfy the negativists as to the adequacy of psychiatric manpower, they will then move two steps to the right and tell us that this country cannot afford to treat the mentally ill on the same basis as it now treats the physically ill.

We must make a strong, factual case in answer to these people. We must point out to them that the direct and indirect costs of mental illness and mental retardation now exceed $3 billion a year. The States alone spend more than a billion dollars a year for the maintenance of large institutions for the care of the mentally ill. These present costs are a tremendous drain upon our economy. More important, the loss of effective, functioning people is a constant hemorrhage which this democracy can ill afford.

We have impressive documentation to the effect that early, intensive treatment, while more expensive on a day-to-day basis, is considerably cheaper per patient than long-term custody at supposedly economical rates.

You have proven this here in Georgia over the past few years, and I have cited your experience in talks in many parts of the country. To me, the most dramatic result of your experiment in hospitalizing mental patients in general hospitals in some of your larger cities is not the economic saving—it is the saving of human beings who have not only been kept from going to the State hospital but, in a remarkably large number of cases, have found successful employment. I commend Georgia industry and the Georgia Junior Chamber of Commerce for this remarkable program of placing the mentally restored in job situations.

Our critics may grant us the point that early, intensive treatment pays off in human and economic terms, but they then will argue that taxes are already too high—that this democracy cannot bear this further financial burden.

I am willing to grant the point that these community mental health centers will be relatively expensive to operate, and that we do not have detailed cost statistics from every State in the Union. Suppose the average cost is $20 a bed—this is still $15 a bed under the comparable cost for care of physical illness in our general hospitals.

Because of the nature of our affluent society, many of us who have testified before Federal and State legislative bodies for increased financing of intensive treatment services have been forced on many an occasion to restrict our case to the economic savings which accrue from support of such services. Over the years, a very good case has been made against the unimaginative construction of huge State mental hospitals which eat up tax dollars at a staggering rate.

However, I would like to submit the proposition that the issue of economic savings has a relatively low priority in the field of mental health.

The overriding consideration is the treatment and return to society of thousands upon thousands of sick individuals. This is the true measure of our worth as a society.

However, when we talk about increased financing of mental health services so that thousands upon thousands of mental patients can be returned to productive living, we run up against the hoary argument that public taxation has reached a confiscatory level and that the individual citizen is groaning under a tax burden which he is increasingly unable to handle.

Have we, indeed, as a people, been increasing our expenditure for public services at a rate which is too burdensome for the individual taxpayer?

In his beautifully documented study "The Question of Government Spending," Francis M. Bator notes that in the years from 1929 to 1959, nondefense spending as a percentage share of the nondefense output of our economy rose only slightly: "We have been committing in the postwar period only a slightly larger fraction to such communal uses as schools, roads, sanitation, urban renewal, etc., than we did in 1929 and a smaller share than in 1939 and 1940."

When we consider the rapid rise in our population—a record growth of 3 million in a year—added to a sharp jump in individual personal income, we cannot but conclude that the so-called heavy burden of increased taxes for public services is an undocumented myth.

What are we spending our money on these days? A 1962 Bureau of Labor Statistics survey reports that our gains in income have far outstripped our basic living costs since 1957; we now spend a smaller share of our income on the basic necessities—food, clothing, and shelter.

In 1961, for example, we spent $20 billion on recreation; $11 billion for alcoholic beverages; more than $7 billion for tobacco products, and $3½ billion for TV sets, radios, and phonographs. We also managed in that same affluent year to spend $323 million for chewing gum. Over and above these and many other expenditures, we managed to accumulate the record sum of $78 billion in savings and in durable assets.

Now, and much more to the point, how much of our booming personal income did we spend on these onerous State taxes about which we hear so much talk? In 1961 we spent, measured in constant dollars, 4 percent of our personal income for State taxes as against 3.7 percent in 1948. In other words, in a period of 13 years there was a rise of only three-tenths of 1 percent in the portion of our individual incomes which went to State government in the form of taxes.

Zeroing in on the target, how much did we spend on mental hospitals as a percentage of our personal incomes? In 1961 we spent eighteen-hundredths of a percent of our personal income on mental hospitals, as against seventeen-hundredths of a percent in 1948. In very simple terms, in 13 years we devoted only an additional one-hundredth of a percent of our personal incomes to the support of mental hospitals.

How about State mental hospitals operating expenditures as a percentage of total general State expenditures? According to a survey jointly conducted by the American Psychiatric Association and the National Association for Mental Health, less than 3 percent of general State funds went to mental hospitals in 1961, a significant drop from the 3⅓ percent which was devoted to these facilities in 1956.

Is this a fair proportion of State expenditures? By way of contrast, State governments in 1961 devoted 28 percent of their funds to highways. In that year, as a nation, we spent $10 billion for highways. Furthermore, the Department of Commerce recently estimated that the accelerated national highway program inaugurated in 1957 would, upon completion in 1972, cost the American people $55 billion.

I know that you here in Georgia, and your sister States throughout the South, will not be a party to any defeatist gospel.

Ten years ago, I participated in a 4-day meeting of the Southern Regional Educational Board in Atlanta at which the pioneer regional program for interstate cooperation in mental health research and training was hammered out. Over the past decade, the Southern Regional Council on Mental Health Research and Training has played a significant part in welding the 16 States of the southern Governors' conference into a coordinated effort to lift the mental health standards of this entire region.

While taking pride in these accomplishments, I know that you will agree with me that much yet remains to be done. In a report released last November, the Southern Regional Education Board called for increased State support for research and training, and for bold steps so that existing institutional services could be decentralized and mental health services brought closer to the community.

You have responded to this challenge in many ways here in Georgia, starting with the magnificent series of articles by Jack Nelson in the Atlanta Constitution. You have accomplished a top-to-bottom revamping of Milledgeville State Hospital which has earned the admiration of the Nation. Under the skilled administration of Dr. I. H. MacKinnon, that vast institution has been broken up into eight separate units, each operating as a complete hospital in itself. Most exciting is the fact that Milledgeville is training personnel in all of the psychiatric disciplines, and that much of this training is being made possible by State training stipends.

In an effort to strength your mental health research and training potential, you are now embarked on the construction of the Georgia Mental Health Institute in Atlanta which, when completed, will surely be one of the outstanding facilities in the country for service to patients, for the training of your own native sons in the various psychiatric disciplines and for the furtherance of research knowledge.

Your division of mental health, now under the skilled direction of my good friend Dr. Addison Duval, is pioneering in the close coordination of your State hospital and community mental health services. I am sure that representatives of many States involved in planning efforts will come to Georgia in the near future to learn from you how you have used facilities such as your general hospitals, and personnel such as your public health nurses, to establish a close, continuing contact with the mentally ill from the point of their admission to hospitalization to their aftercare needs in the community.

In his magnificent inaugural address in January 1961, our late President told us that the road would not be easy: "All this will not be finished in the first 100 days. Nor will it be finished in the first 1,000 days, nor in the life of this administration, nor even perhaps in our lifetime on this planet. But let us begin."

Here in Georgia and throughout this great land, let us continue.

BROTHERHOOD WEEK

Mr. SALTONSTALL. Mr. President, for over 30 years the National Conference of Christians and Jews has sponsored an annual Brotherhood Week, which in 1964 is being observed this week. It seems to me like a particularly appropriate time for all of us to think about the meaning and spirit behind this special civic observance.

This is a time when the pressures on all of us, from our top leaders down to each citizen, to meet new and difficult problems seem to mount daily. It is a time of change and challenge on the local, the national, and the international levels. We must meet these challenges with the patience, determination, and imagination which can only be derived by every man putting forth his best effort to work in cooperation with every other man. We must seek justice and unity through a continued dedication to the principles on which this country was founded. This is a year-around job, a day-to-day task.

I commend the National Conference of Christians and Jews for their work in urging all citizens of every race, creed, and color to rededicate themselves to the true spirit of brotherhood in their every endeavor. And I say let each one of us take up this cause—this week, and every week.

RIGHT OF THE FEDERAL TAXPAYER TO CHALLENGE THE UNCONSTITUTIONAL EXPENDITURE OF FEDERAL FUNDS

Mr. ERVIN. Mr. President, when the Higher Education Facilities Act of 1963 was debated before the Senate last fall, Senator JOHN SHERMAN COOPER and I offered an amendment to make it certain that any Federal taxpayer suing in behalf of himself and all other taxpayers could question the constitutionality of disbursement of Federal funds to church-owned, controlled, or operated colleges and universities. Some time ago, Mr. Kenneth Culp Davis, John P. Wilson professor of law at the University of Chicago Law School, made an excellent address entitled "Standing To Sue in Religion Cases," which deals in an illuminating manner with this subject and expresses the opinion that the Federal taxpayer is adversely affected in fact by an unconstitutional expenditure of Federal funds and is entitled to challenge such expenditures notwithstanding the language used by the court in Frothingham against Mellon. This excellent article should be made available to all Members of Congress, and for this reason, I ask unanimous consent that it be printed in the body of the RECORD as a part of my remarks.

There being no objection, the article was ordered printed as follows:

STANDING TO SUE IN RELIGION CASES

(By Kenneth Culp Davis)

The Constitution is still the Constitution and is still the supreme law of the land even when no one has standing to enforce it in court. Yet we in the United States have become so accustomed to relying on the courts for enforcement of the Constitution that we often make the untenable assumption that a constitutional provision that cannot be judicially enforced is the equivalent of no constitutional provision. We tend to forget that in most countries of the world, courts are not used at all to enforce constitutional limitations on legislative powers. When no one has standing in court to enforce the Constitution, we ought to think of ourselves as having a system to assume that the Constitution is nonexistent to that extent.

This observation gives standing a rather special importance that it ought not to have.

My subject is standing to challenge violations of the religion clauses of the first amendment. This subject is one small portion of the general law of standing, which is especially confused and contradictory in both Federal courts and State courts. One major reason for the confused case law is is that judges often give their primary attention to the law of standing, and that judges sometimes manipulate the law of standing so as to produce the substantive results

they deem desirable. But those who believe that the law of standing is nothing but the product of manipulation are just as wrong as those who believe that it is nothing but the product of logical analysis. My opinion is that the law of standing is a mixture of logical analysis and manipulation. In some cases manipulation motivates, in some logical analysis motivates, and in some combination of the two elements motivates. I think that time spent in logical analysis of the law of standing can be time well spent, so long as we remember that it is not the only factor at work.

One who tries to produce some order out of the chaotic law of standing must construct his own philosophy of standing or at least his own approach, and before I begin my discussion of standing in religion cases, I think I should disclose my basic assumption. My whole philosophy of standing, elaborately developed in more than a hundred pages of my "Administrative Law Treatise" and in the supplement to the treatise to be published this month, can be stated in one extremely simple sentence: One who is adversely affected in fact by governmental action should have standing to challenge it. I use the words "in fact" to indicate that theories about a legal right or a legal wrong are unnecessary. The test should be adverse effect in fact. The view I have been advocating was the basis for the Supreme Court's sound decision in the Bantam Books case of 1963; the Court said the plaintiffs had standing because they "have in fact suffered a palpable injury." (372 U.S. 58, 64 (1963).)

Now I find that the Supreme Court has decided about 60 cases involving the religion clauses of the first amendment, although I am often in doubt as to what cases to include or exclude. Of the 60, 9 seem to me to have significance to the law of standing. Surprisingly enough, in view of the general confusion about the law of standing, I think that the nine cases form a largely coherent body of law, both more orderly and more satisfactory than the rest of the Supreme Court's law of standing. Indeed, eight of the nine opinions I am inclined to approve rather fully. The only opinion I shall criticize adversely is the McGowan opinion of 1961. Lest you think I am mellowing in old age, I shall disagree all along the line with some of the commentators.

The nine cases raise two questions—whether taxpayers as such have standing, and whether other parties have standing. It is important to keep the two questions distinct, even though both questions may come up in the same case. Let us look first at standing of taxpayers.

TAXPAYERS

The 1899 decision in *Bradfield* v. *Roberts*, 175 U.S. 291, is without modern significance. A taxpayer was allowed to challenge validity of an appropriation by Congress for a District of Columbia hospital allegedly operated by a sisterhood of the Roman Catholic Church. The Court simply passed over the question of standing without either deciding or discussing it. The Court found its position on the standing question just 24 years later, when it held in *Frothingham* v. *Mellon*, 262 U.S. 447, that a Federal taxpayer lacks standing to challenge a Federal expenditure. That the Court in the Bradfield case found it easier to decide the merits than to decide the question of standing had little or no effect on development of the law of standing.

In the *Cochran* case, 281 U.S. 370 (1930), citizens and taxpayers of Louisiana sued in State courts to restrain the State board of education from spending for supplying free schoolbooks to schoolchildren, including those in church-affiliated schools. The main thrust of the challenge went not to religion but to use of public funds for private purposes. The Supreme Court considered the merits without discussing standing. The case contributes to the orthodox and consistent theory that a State or local taxpayer who has standing under State law to challenge a substantial public expenditure may have his case considered by the Supreme Court of the United States. That question has arisen many times and the Supreme Court has always given the same answer.

The next case in our series, *Everson*, 330 U.S. 1 (1947), is consistent with the Cochran case and is consistent with all later Supreme Court law on standing. A taxpayer of a school district was allowed to challenge the school district's reimbursement of parents of parochial school students for bus transportation. The theory is clear: An unconstitutional expenditure of public funds adversely affects a local taxpayer, who therefore has standing to challenge the expenditure.

The *Doremus* case, 342, U.S. 429 (1952), was perfectly consistent with the Cochran and Everson cases. A taxpayer was held without standing to challenge a New Jersey statutory requirement of Bible reading in the public schools. In distinguishing Everson, the Court said that for a taxpayer to have standing, his action must be "a good-faith pocketbook action," and that the injury in the Doremus case, unlike that in Everson, was not "a direct dollars-and-cents injury." The Court very helpfully added a remark that some of the commentators have apparently failed to understand: "It is not a question of motivation but of possession of the requisite financial interest that is * * * injured by the unconstitutional conduct."

A financial interest of a State or local taxpayer is injured by an unlawful expenditure, but a financial interest of a taxpayer is not injured when the Bible, instead of some other book, is read.

In determining the standing of a taxpayer as such, then, the important distinction is between State or local action which involves a substantial expenditure and State or local action which does not involve such an expenditure. The Supreme Court consistently allows standing to challenge a State or local expenditure but denied standing in the Doremus case because an expenditure was not involved.

Nearly every State court that has passed upon the question allows standing when expenditure is involved but only a handful do when expenditure is not involved. My statement is directly at variance with that of Professor Jaffe in the Harvard Law Review, who has written that 40 States allow a taxpayer to challenge local action "whether or not it has an impact on the expenditure of funds," 76 Harv. L. Rev. at 1280. In this, Professor Jaffe is clearly in error; most of the cases Professor Jaffe relies upon involved an impact on expenditure and his statement is simply a mistake.

PARTIES OTHER THAN TAXPAYERS

The standing of parties other than taxpayers to raise questions under the religion clauses of the first amendment is also the subject of Supreme Court law that is reasonably clear, consistent, and satisfactory, except for one opinion. The first case was *McCollum*, 333 U.S. 203 (1948). The parent of a child currently in school was held to have standing to challenge a system of allowing religious teachers to come into public school buildings and provide religious teaching. Although the Court disposed of the standing question in one sentence, citing a case which was unhelpful, the ground for standing was clear. The parent was clearly adversely affected in fact. The school had a system which influenced children toward religion distasteful to the parent. That ought to be enough for standing. The Court held it enough for standing.

The Doremus case is easy to distinguish, for the child of the plaintiff parent had already graduated, and furthermore, no charge was made that the Bible reading conflicted with convictions of either the parent or the child. For all that appeared, the plaintiff was in no way adversely affected in fact.

On the question of standing of a parent to challenge the constitutionality of what a school does, I think that both the McCollum case and the Doremus case are clearly sound. The parent was adversely affected in fact in McCollum and therefore had standing. The parent was not adversely affected in fact in *Doremus* and therefore lacked standing.

In the *Zorach* case, 343 U.S. 306 (1925), the basis for standing was again clear, for the plaintiffs were parents whose children were currently attending the public schools and who were affected in fact by the released time program. Because the children were influenced, the parents had standing.

The same is true and seems to me to be even obviously true of the *Engel* case, 370 U.S. 421 (1962). The parents of current pupils asserted that the prayer in the public schools was contrary to the beliefs of themselves and their children. Although pupils were free to be excused during the prayer, the Court declared: "When the power, prestige, and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain." The pressure, without coercion, surely should be enough for standing, as the Court silently assumed in the Engel case.

Although some commentators have expressed consternation about the Court's failure to mention any problem of standing in the Engel case, it seems to me that the standing was sufficiently clear that no such mention was necessary, especially in view of the fact that no party was urging lack of standing.

Prof. Arthur Sutherland, in 76 Harv. L. Rev. 25, 27 (1962), says that the Engel case suggests that the Supreme Court has somewhat revised its previous ideas concerning standing because the Court did not require the plaintiff to show a direct injury. But I think a direct injury was shown. The injury, in my opinion, is to parents whose children must choose between listening to a prayer that is offensive to their religious sensibilities and absenting themselves from the prayer ceremony, perhaps at the psychological expense of overriding a child's instinctive dislike for nonconformity. Professor Kurland has suggested in his discussion of the *Engel* case, 1962 Sup. Ct. Rev. 1, 22, that "Perhaps the Court is starting down the road toward justification of the 'public action' that Professor Jaffe has advocated." I do not at all agree. The tradition of the Supreme Court against the public action is strong and clear and almost uniform. Professor Jaffe does not cite a single case in which the Supreme Court has entertained an action brought to vindicate the public interest by a citizen having no legal interest of his own. Because the plaintiff's in the Engel case were adversely affected, the Court's action with respect to standing in the Engel case seems in all respects in accord with conventional doctrine, and resort to a doctrine the Court has consistently rejected is unnecessary to explain the case.

The *Schempp* case, 374, U.S. 203 (1963), is entirely orthodox in its holding. Schoolchildren and their parents were held to have standing to challenge Bible reading in the public schools in which the children were students. The Court properly said that the children and parents were "directly affected by the laws and practices against which their complaints were directed. These interests surely suffice to give the parties standing to complain." The holding is clear and simple and consistent with other cases. I like the language, "directly affected." That the children could be excused from the

Bible reading did not affect their standing; one parent had decided against having his children excused "for several reasons, including his belief that the children's relationships with their teachers and classmates would be adversely affected." I am fully in accord with a footnote statement of Mr. Justice Brennan in his concurring opinion that "these parents have very real grievances against the respective school authorities which cannot be resolved short of constitutional adjudication," 374 U.S. at 267.

THE DOCTRINE EMERGING FROM THE CASE LAW

Now, the standing law I have discussed so far seems clear, simple, and consistent: A State or local taxpayer who has standing under State law to challenge a substantial public expenditure may have his case considered by the Supreme Court, but such a taxpayer may lack standing in the Supreme Court if no such expenditure is challenged. A party whose interest is in protecting his child from what he deems to be the wrong religious influence has standing to object to that influence. The clarity, simplicity, and consistency of this case law seems to me highly meritorious.

The only feature of the law I have discussed that I would change is the holding in *Frothingham* v. *Mellon* that a Federal taxpayer has no standing to challenge a Federal expenditure. I think that is unsound because I think a Federal taxpayer is adversely affected in fact by an unconstitutional expenditure.

If we have a Federal budget of a hundred billion, and if General Motors pays more than a billion Federal income taxes, then I think that when the Government undertakes a program costing $10 billion, the cost to General Motors is more than $100 million, and I think that General Motors ought to have standing to complain of unconstitutionality of the program. My figures show the utter and complete unsoundness of the language of Mr. Justice Sutherland in the Frothingham opinion. (For a full discussion of my reasons for thinking the Frothingham doctrine unsound, I refer you to section 22.09 of my treatise.)

Yet I acknowledge that the Frothingham doctrine is deeply embedded in our legal system and is unlikely to be changed, even though Mr. Justice Douglas has recently announced in a separate opinion that he has great difficulty with the Frothingham doctrine. *Public Affairs Associates* v. *Rickover*, 369 U.S. 111, 114 (1962).

If the Supreme Court were inclined to allow a Federal taxpayer to challenge a Federal expenditure, I could come up with a pretty respectable analytical argument that would allow this result without overruling Frothingham. At the time of Frothingham we had no Federal statute on standing. We have such a statute now, the Administrative Procedure Act, which provides for challenge of administrative action at the instance of one who is "adversely affected."

The committee reports of both Senate and House committees said that meant adversely affected in fact. The action to challenge the disbursement could be brought against the disbursing officer to challenge his administrative action, and the APA would be fully applicable. The applicability of the APA, enacted in 1946, would be the ground for distinguishing Frothingham.

THE UNSATISFACTORY M'GOWAN OPINION

The only unsatisfactory standing law the Supreme Court has produced in cases involving religion stems from the *McGowan* opinion, 366 U.S. 420 (1961), which in turn spilled over into a footnote in the Schempp opinion.

The McGowan case, involving challenge by a store's employees who were indicted for violating Sunday closing laws, held that those who assert only an economic injury (1) do not have standing to assert infringement of religious freedoms of others, and (2) do have standing to raise the question of violation of the establishment clause.

My appraisal of the McGowan case rests heavily upon a distinction that seems to me essential to sound thinking about standing even though the Supreme Court has never recognized it. The distinction is between standing to initiate a proceeding in court and standing to take a particular position in a proceeding to which one is already a party. If you stop and think of all the cases we have discussed before we came to the McGowan case, you will observe that in every case the problem of standing was whether the particular party could be a plaintiff, that is, whether he could start the judicial machinery in motion. But in the McGowan case, the question was not whether the store's employees could be plaintiffs; they were defendants in a criminal prosecution that had already been properly commenced. The question in the McGowan case was not whether A could go into court to get a declaratory judgment that the Sunday-closing statute would interfere with B's religious liberty. If it had been, the Court might properly have held that A lacked standing. The question was whether A, in a criminal proceeding already commenced against A, could point out to the Supreme Court that the Court's own action would infringe the religious liberty of B and others. The Court in my opinion should not have disposed of that question on the ground of lack of standing.

If the Court had understood the McGowan problem, it would have used *Barrows* v. *Jackson*, 346 U.S. 249 (1953), as authority in favor of standing. In that case, whites were permitted to assert the constitutional rights of Negroes; not only that, but the Negroes whose constitutional rights were asserted were Negroes in general and not any particular or identified ones. The plaintiffs, whites, sued the defendant, a white, in a State court for damages for breach of a restrictive covenant against use or occupation of land by non-Caucasians. The defendant prevailed on the ground that an award of damages would infringe rights of unknown non-Caucasians; the white defendant was allowed to assert the rights of Negroes not before the court. In trying to explain why this could be done, the Court confessed a rather complete intellectual poverty; it approved the rule that a party cannot challenge constitutionality of a statute unless he is within the class whose constitutional rights are allegedly infringed, and then said little more than that this case was "a unique situation" in which the reasons for the standing rule were outweighed by the need to protect fundamental rights.

The Court should have enunciated a principle that a party always has standing to call to a court's attention the illegality of a course of action which the court is contemplating. A party who lacks standing to initiate a proceeding may have standing to ask the court to refrain from a course of action which the court may take on its own motion or refrain from taking.

The McGowan holding that the criminal defendants lacked standing to assert that the Court's enforcement of the statute would infringe the religious freedom of others is contrary to at least eight Supreme Court decisions in which parties to proceedings already initiated have been allowed to assert the constitutional rights of nonparties. All these cases are discussed in sections 22.05–22.07 of my treatise.

The McGowan opinion seems to me further unfortunate in so sharply separating the two religion clauses of the first amendment. The Court seems to overlook the plain fact that both clauses, as applied to State action, necessarily rest upon freedom or liberty. Logically, both clauses as restraints on State action have to be brought within the word "liberty" in the "life, liberty, or property" provision of the 14th amendment. The only way a State can violate the establishment clause is by depriving a person of "liberty" within the meaning of the 14th amendment.

The McGowan opinion's unfortunate separation of establishment from free exercise for purposes of standing led the Court in the Schempp opinion to make the flagrantly unsound statement that "the requirements for standing to challenge State action under the establishment clause, unlike those relating to the free exercise clause, do not include proof that particular religion freedoms are infringed," 374 U.S. at 224. I do not see how the establishment clause can be violated by State action unless some person is deprived of "liberty" under the 14th amendment. In other words, a State can no more violate the establishment clause without infringing freedom or liberty than a State can violate the free exercise clause without infringing freedom or liberty.

FEDERALISM

Now I want to go back to one complicating factor about the law of standing that I have heretofore omitted from consideration—federalism. We must know not only who has standing in a Federal court and who has standing in a State court but also whose law of standing governs Supreme Court review of a State court decision. May a party have standing in the Supreme Court if he lacks it in a State court, and may he lack standing in the Supreme Court if he has it in the State court?

Although some commentators seem perplexed about these questions, I think that the main answer is entirely clear: The Supreme Court does and must maintain its own law of standing, and no State court decision for or against standing is binding upon it; at the same time, the Supreme Court keeps its system of standing flexible and goes along with the State law of standing whenever in particular circumstances it sees fit to do so.

To the extent that Federal law of standing rests on the constitutional concept of case or controversy, State courts obviously lack power to bind the Supreme Court about interpretation of the Federal Constitution. The holding in the *Summers* case, 325 U.S. 461 (1945), that the Supreme Court would decide for itself whether a case or controversy exists, after the Illinois court had held that a case or controversy was absent under Illinois law, is clear law and necessary law. So is the holding in Doremus that even though the New Jersey court had reached the merits despite doubts about standing, the Supreme Court was still free to apply its own law of case or controversy. The Doermus case even seems to me obviously sound in its view that Supreme Court law of standing must override State law of standing, for otherwise the Supreme Court could be compelled to give advisory opinions to State legislatures in reviewing the decisions of State courts in the half dozen States (including Massachusetts) in which the highest courts give such advisory opinions.

Of course, nothing binds the Supreme Court to have a rigid system of standing or to make its system logical or consistent. The Court is entirely capable of throwing logic to the winds, and sometimes I am inclined to defend it in doing so. For instance, even though some minds prefer the beauties of logical symmetry, I think the Court behaves sensibly when it refuses to decide an especially difficult question of standing and disposes of a case by deciding the relatively easy question of the merits. This is essentially what it did in the 1899 Bradfield case; it simply backed away from deciding what it called the "alleged defect of parties."

When no question about standing is urged by the parties, the Court has a discretionary power to decide on the merits, skipping the question of standing, as it did in the *Trial Examiners' Conference* case, 345 U.S. 128, 129

(1953), and in the old case of *Heim* v. *McCall*, 239 U.S. 175 (1915), or it can consider the standing question on its own motion, as it did in *Storer*, 351 U.S. 192, 197 (1956). The Heim case can also be explained away as having arisen before the Supreme Court created its modern law of standing. But in *Wieman* v. *Updegraff*, 344 U.S. 183 (1952), the Court considered the merits in a suit by a State taxpayer even though the issue was a nonfinancial one. Since the Court did not mention the subject of standing, the case can be explained as (1) an oversight, (2) as an exercise of discretion to skip the problem of standing when the parties do not urge lack of standing, (3) as a decision that the Supreme Court will bend to the State law of standing when it wants to, or (4) as a decision that a State taxpayer has standing to raise the nonfinancial issue.

That the Court can go in either direction in such circumstances is emphasized by a really extreme case in the opposite direction, *Gauge Lumber Co.* v. *Rowley*, 326 U.S. 295 (1945), holding that an employer in a workmen's compensation case lacked standing even though he had a financial interest at stake, even though the State specifically provided that judicial review could be had by an "employer," and even though the State court had recognized the employer's standing.

The combination of the Gauge case with the Wieman case, two cases at opposite ends of the scale but involving the same abstract problem of standing, shows that the Court keeps a discretionary power which it is quite capable of exercising inconsistently. Or, if you prefer, this pair of cases shows that the Court is willing to manipulate the law of standing to consider the merits when it wants to and to avoid the merits when it wants to.

The most flagrant indifference to the law of standing that I have encountered is the *Adler* case, 342 U.S. 485 (1952). The Court refused to discuss either standing or ripeness or even to state the facts that bore on the problems of standing and ripeness, even though a dissenting opinion vigorously asserted that the plaintiffs lacked standing and even though the most direct precedent supported the dissenting opinion.

WHO CAN CHALLENGE FEDERAL AID TO CHURCH-AFFILIATED SCHOOLS?

Now let's take up the burning question that I'm sure you want me to try to answer: If Congress appropriates funds for schools, including or excluding all or some church-affiliated schools, who, if anyone, has standing to raise the question whether the religion clauses of the first amendment are violated?

The answer is probably no one, unless *Frothingham* v. *Mellon* is changed or violated or unless a statute provides for standing. I use the word "probably" because real life so often outruns imagination; the constitutional problem can conceivably bob up in complex litigation in some totally unexpected way.

More important than that remote possibility is the clear congressional power to provide for standing. A commentator who says that because case or controversy is a constitutional requirement it cannot be satisfied by a statutory provision seems clearly on the wrong track.

One idea is that legislation could provide that a Federal taxpayer shall have standing to challenge the constitutionality of any disbursement under the particular statute. Although constitutionality of such a provision is not wholly free from doubt, I think it would be constitutional for many reasons, three of which are: (1) The Supreme Court even without such a statute considered the merits of the Bradfield case in a suit by a Federal taxpayer to challenge an expenditure; the statute would merely provide for what the Supreme Court on its own motion has already done. (2) Judicial tolerance for a legislative judgment ought to be sufficient to allow Congress to enact a law of standing that most State courts have developed; in nearly all States that have passed upon the question, a taxpayer has standing to challenge an expenditure. (3) On the merits, one who is hurt by governmental action ought to have standing to challenge it, and I think a Federal taxpayer is hurt by a Federal expenditure. I agree with the State courts that allow State and local taxpayers to challenge expenditures, and the impact of Federal taxpayers is much greater than the impact of State and local taxes.

Another way of creating standing to challenge Federal disbursements for education is preferable to conferring standing on Federal taxpayers, although I think a good statute would provide for both methods. The orthodox law of standing is that one whose legal right is at stake normally has standing to go to court to enforce the legal right. All that Congress has to do to confer standing is to create a legal right in a party who will raise the question. For instance, Congress could appropriate for all schools to which Congress is constitutionally empowered to appropriate, it could instruct the administrator to deny funds to any school whose right to receive the funds is constitutionally doubtful, and it could provide that any school whose application for funds is denied is entitled to judicial review of the question whether the funds may be granted to the school without violating the Constitution. Such a system would validly confer standing upon a parochial school, and such a system would assure a judicial determination of the constitutional limits.

That a statutory provision conferring the right of judicial review can create standing where no standing exists without the statute can be beautifully demonstrated with two cases, both involving Federal appropriation of money to States and both involving the question of standing of the State to challenge the validity of the action of the Federal Government. Without a statute providing for judicial review, Massachusetts had no standing to challenge the Maternity Act. This is the prominent case of *Masachusetts* v. *Mellon*, 1923. But when the statute provides for judicial review, as did the Hatch Act, Oklahoma was held to have standing to challenge a determination by the Civil Service Commission which would have reduced Federal highway grants to Oklahoma. The Supreme Court declared: "By providing for judicial review of the orders of the Civil Service Commission, Congress made Oklahoma's right to receive funds a matter of judicial cognizance. Oklahoma's right became legally enforceable," *Oklahoma* v. *Civil Service Commission*, 330 U.S. 127, 137 (1947).

I think it safe to say that the power of Congress to confer standing by providing judicial review by one who seeks to enforce a legal right is beyond reasonable doubt.

SOME PERSPECTIVE ABOUT STANDING

My guess is that most violations of the first amendment's religion clauses may be beyond judicial challenge because no one has standing. Perhaps we shall never know whether trusting in God on all our coins and some of our currency is unconstitutional, because no one can raise the question in court. Similarly, we probably have no means of knowing whether prayers in the Houses of Congress are constitutional, or religious services in Federal hospitals and prisons, or use of the Bible in administering oaths, or including God in the pledge of allegiance, or allowing income tax deductions for contributions to religious organizations, or exempting religious organizations from income tax, or giving them postal privileges.

Are we not allowing the law of standing partly to defeat the purpose of the bill of rights? Does not the law of standing largely cancel out the religion clauses of the first amendment?

State constitutional provisions against use of public funds in support of religion are relatively effective, because State taxpayers generally have standing to challenge the constitutionality of State expenditures. A striking illustration of this is the administration of the National School Lunch Act, under which Federal funds go to the educational agency of each State, except that when the State educational agency is not permitted by State law to disburse directly to schools with religious affiliation, the Federal Government makes the disbursement directly to the schools. According to a memorandum furnished by the Department of Health, Education, and Welfare in 1961 to a Senate committee, "In more than half of the States the educational agency has considered that it could not make the funds available to nonprofit private schools and as a result in those States the Secretary of Agriculture makes funds available directly to such nonprofit schools, including those with religious affiliation." Hearings before Subcommittee on Education of the Senate Committee on Labor and Public Welfare, 87th Congress, 1st Session, 146 (1961).

Relatively, the State constitutional provisions are obeyed and the Federal constitutional provisions may be ignored. We don't know whether the school lunch program for church-affiliated schools violates the Federal Constitution and, judicial enforcement being unavailable for lack of standing, we go ahead with the program despite unresolved doubts about constitutionality.

Again I ask: Are we not allowing the law of standing to eat away a large portion of our constitutional limitations on government?

I see no escape from saying "Yes" to that question.

Our theory that the legislative and executive branches are bound by the Constitution whether or not the judicial branch enforces it is largely overriden by the reality that constitutional issues usually remain open until the judges close them. Constitutional provisions that are not judicially enforced tend to become the equivalent of no provisions.

The law of standing does largely cancel out some constitutional protections.

Then what should we do?

One proposal is that we should open the doors to the courts to suits by "any citizen" whenever a public interest is involved. I oppose this idea because it goes much further than is necessary to correct the known deficiencies in the law of standing and, unless all the relevant Supreme Court decisions on the subject are overthrown, it could be adopted only by a constitutional amendment. I think *Marbury* v. *Madison* should remain the foundation for judicial review of legislation, that the main business of courts should continue to be to resolve controversies between parties whose interests are at stake, that the courts should continue to close their doors to citizens who have no interests at stake, and that the Supreme Court was right in 1793 in refusing to give advisory opinions to two citizens by the name of George Washington and Thomas Jefferson.

I am not opposed to throwing all our traditions into the fire if we must do so in order to solve serious problems of our own generation. But I see nothing to gain by allowing "any citizen" to be a plaintiff on any question of public interest. I have never seen a real case, and I have never yet been able to imagine a hypothetical case, in which a plaintiff who is without an interest of his own should in my judgment be allowed to initiate a proceeding in court. If anyone here can think up such a case, I wish he would call it to my attention.

What the law of standing needs is not a demolition of the whole framework within which our courts now work but a slight shift of attitudes within the existing framework. What we need is consistent judicial acceptance of the simple proposition that any party who is adversely affected in fact by governmental action should have standing to challenge it in court. And, contrary to *Frothingham* v. *Mellon*, I think that a Federal taxpayer is adversely affected in fact by an unconstitutional expenditure of Federal funds.

RESOLUTIONS ADOPTED BY THE NORTH CAROLINA STATE COUNCIL OF THE JUNIOR ORDER, UNITED AMERICAN MECHANICS

Mr. ERVIN. Mr. President, during its 1963 session, the North Carolina State Council of the Junior Order United American Mechanics adopted certain resolutions and reciting its position with respect to some of the crucial issues confronting our country. These resolutions merit the consideration of the Congress, and for this reason, I ask unanimous consent that they be printed at this point in the body of the RECORD as part of my remarks.

There being no objection, the resolutions were ordered printed as follows:

RESOLUTION 3: SUPPORT OF THE IMMIGRATION AND NATIONALITY ACT (MCCARRAN-WALTER ACT)

Whereas the McCarran-Walter Act, which was passed in 1952 over a Presidential veto, has been subject to unremitting attacks by Communists, hyphenated Americans, political auctioneers and liberals, and continuous efforts have been made to have it repealed or altered by amendments detrimental to the best interest of our country; and

Whereas the maintenance of our protective national origins immigration system, embodied in the Immigration and Nationality Act, is vital to the preservation of this Republic, and to the welfare of its citizens; and

Whereas there is deep concern by officials of Government, labor unions and taxpayers' associations about the problems posed by the high degree of unemployment, the anticipated further loss of jobs resulting from automation and the mounting numbers and costs of welfare cases, all of which increased quotas will aggravate, not correct; and

Whereas those opposed to the act have resorted to the technique of chipping away at the act by law enforcement, administrative interpretations and amendments which have the effect of undermining the foundations of our cultural integrity and threaten our security; and

Whereas there are now pending in the Congress proposals to increase the quotas 36 percent or more, to expand the classes of aliens who are admissable for permanent residence outside quota limitations; to pool unused quotas; to abolish the National origins quota system and to recompute the entire basis of alloting quotas to the end that our historic immigration policies will be abandoned: Now, therefore, be it

Resolved by the State Council of North Carolina, Junior Order United American Mechanics, in session assembled this 9th day of August 1963, at Greensboro, That it favors the law as it now stands and reaffirms its confidence, trust and reliance in this law, and is most strongly opposed to its repeal or amendment, the admission of additional numbers of aliens, or relaxing the requirements for admission or deportation; and be it further

Resolved, That the State secretary be requested to forward a copy of this resolution to the Members of Congress representing this State.

J. L. WHITE.
ERNEST I. STRICKLAND.
K. C. LONG.

Approved by the Good of the Order Committee:

J. A. PRITCHETT.
W. G. SUGG.
JAMES E. MASTELLER.

RESOLUTION 4: OUR STAND

Whereas during the past 110 years, the Junior Order United American Mechanics, as an American patriotic society, has adopted hundreds of resolutions in the field of Americanism; and

Whereas certain of these resolutions, together with current ones, have been reviewed by competent officials of the order and judged to be pertinent and vital to the welfare of the Nation and each American; and

Whereas most of the resolutions set forth below can be acted upon by Members of the U.S. Congress, now, therefore, be it

Resolved, That the State Council of North Carolina, Junior Order United American Mechanics, assembled this 9th day of August, 1963, in the city of Greensboro, respectfully petitions the U.S. Senators and Representatives representing this State to:

1. Preserve the sovereignty of the United States, its Constitution, institutions, and laws;

2. Preserve intact the Immigration and Nationality Act and to oppose any liberalizing amendments thereto;

3. Maintain the separation of church and state, and to oppose the granting of Federal or State aid to parochial or sectarian educational institutions;

4. Encourage the study of the U.S. Constitution and American history in the educational institutions of the Nation that American youth may have a fuller understanding of our unique form of constitutional government and a truer concept of national patriotism;

5. Never cease combating communism and its efforts to control and colonize areas in the Western Hemisphere;

6. Support the House Committee on Un-American Activities;

7. Oppose the recognition of Red China and the admission of Red China to the United Nations.

8. Protect desecration to the flag of the United States of America by anti-American agitators abroad and provide penalties for deliberate and malicious violators of the Flag Code (Public Law 77–829) at home;

9. Halt postage-free flow of communistic propaganda in the United States.

10. Preserve the Conally Reservation as a necessary safeguard to our national security;

11. Seek enforcement of the financial responsibility provisions of the United Nations Charter and seek suspension in voting rights of all nations which are delinquent in their United Nations dues and assessments, so long as the United States remains a member of the United Nations; and make an investigation of the United States-United Nations relations to determine whether it is in the best interest of the United States to remain a member of that which is being increasingly confused and preyed upon by Socialist and Communist politicians;

12. Request assurances from the President of the United States that the Guantanamo Naval Base will not be surrendered to communistic Cuba and that said base shall be maintained at the highest state of military and naval preparedness;

13. Sponsor legislation which would reassert, reactivate, and effectively maintain the principles of the Monroe Doctrine;

14. Preserve our historic, indispensable and time-tested policies for the U.S. control in perpetuity over the Canal Zone and the Panama Canal;

15. Secure the enactment by Congress of a bill containing a minimum loyalty oath which will clearly bind all governmental officials and employees to defend the United States of America; and (a) make it obvious that an American citizen's loyalty should be directed toward his Nation and not to a given administration in Government; and (b) endorse the loyalty oath required for Government loans under the National Defense Education Act; and be it further

Resolved, That the State Council of North Carolina, Junior Order United American Mechanics, request the subordinate councils under its jurisdiction to urge their members to appeal to relatives, friends, neighbors, and fellow citizens to write their Senators and Congressmen that the voice of the American people may be heard on these issues; and be it further

Resolved, That the State secretary be and he is hereby directed to send copies of this resolution to the Members of the Congress representing this State and to the local press.

J. L. WHITE.
ERNEST D. STRICKLAND.
K. C. LONG.

Approved by the Good of the Order Committee:

J. A. PRITCHETT.
W. G. SUGG.
JAMES E. MASTELLER.

JUDICIAL REVIEW OF CONSTITUTIONALITY OF USE OF FEDERAL TAX MONEYS TO ACQUIRE LANDS AND BUILDINGS FOR CHURCH COLLEGES AND UNIVERSITIES

Mr. ERVIN. Mr. President, Senator JOHN SHERMAN COOPER and I attempted unsuccessfully to amend the Higher Education Facilities Act of 1963 to make it certain that there could be a judicial review of the constitutionality of the use of Federal tax moneys to acquire lands and construct buildings for church colleges and universities. The Charlotte News, of Charlotte, N.C., carried thoughtful editorials on December 18 and December 27, 1963, commenting upon this matter. Since this question will undoubtedly continue to arise until it is settled either by congressional action or judicial decision, I ask unanimous consent that these editorials be printed at this point in the body of the RECORD.

There being no objection, the editorials were ordered printed as follows:

[From the Charlotte (N.C.) News, Dec. 18, 1963]

DUCKING A PRINCIPLE

Comment on passage of the $1.2 billion college aid bill generally has approved the absence of abrasive debate over what is called the religious issue. The implication of much of this comment is that the religious issue is a sham raised for reasons having nothing to do with education. The implication is false; worse, the thinking it reveals obscures a critical issue having everything to do with education.

The broad issue is how Americans wish to spend public funds for education; whether they wish to support private and church-supported institutions and, if so, in what ways and to what degree. In past sessions of Congress the clash of opposing philosophies on this issue brought stalemate. In 1962 the college aid bill died in the midst of such controversy. This time it passed but with the central issue relatively muted.

Senator ERVIN posed the constitutional question. He called up a string of Supreme Court decisions dealing with the first amend-

ment's prohibition of the establishment of religion. In *Everson* v. *Board of Education* (1947), Senator ERVIN pointed out, the Court majority, approving a State law reimbursing parents for transportation of children to parochial schools, stated that the law went to the verge of the Constitution.

"If that statute went to the verge of the Constitution, certainly a statute which would authorize the appropriations of hundreds of millions of dollars to construct buildings for church owned or controlled or operated colleges and universities would go beyond the verge of the Constitution," he said.

Senator ERVIN was speaking for an amendment he offered with Senator COOPER which would have permitted a taxpayer to file suit challenging the constitutionality of a grant or loan under the program. The amendment was dropped in House-Senate conference and we are left with Senator ERVIN'S fear that for technical reasons a constitutional test of the law may not now be possible.

We hope that this is not the case. Senator ERVIN'S doubts of the constitutionality of the legislation are well founded. Nor is this legislation necessarily granted immunity by a clause forbidding grants or loans for sectarian use. We have Justice Douglas' opinion to the contrary in a case decided earlier this year:

"Financing a church either in the strictly religious activities or in its other activities is equally unconstitutional, as I understand the establishment clause," Justice Douglas wrote.

Beyond the issue of constitutionality lie the issues of a purely practical nature. The money appropriated for a 5-year program of college construction will be available in theory to all of the Nation's 2,100 colleges and universities, including at least 700 church-related institutions belonging to the American Council on Education, which lobbied for the bill. Officials concede that this is spreading the available public resources a bit thin.

It is surely no exercise of religious bigotry to question whether the larger public interest is served by this thinning process. Yet this vital question was all but submerged by the desire to have a bill at all costs.

This desire produced a bill that is being hailed in educational circles as a landmark comparable to the Morrill Act which created State universities through land grants. This may be. Yet it is hard to believe that a constitutional test of the law will not arise. It is hard to believe the law would survive, or should survive, such a test.

[From the Charlotte (N.C.) News, Dec. 27, 1963]

IT WILL RISE AGAIN

In the editorial reprinted in the columns to the right, the Greensboro Daily News suggests that we placed too much emphasis on the religious issue in our discussion last week of the higher education bill. The Daily News cautions against being affrighted by the bugaboo of the absolute wall of separation between church and state and suggests that we consult our own editorial position on the New York Regent's Prayer decision for comfort.

But we are no more dismayed by an imaginary wall of separation than by any fears that a Catholic in the White House would sell out to the Vatican. Our editorial position in the Regent's Prayer case was simpler than that: We thought that the Supreme Court had stepped where it need not have stepped; that it had senselessly wasted its prestige on customs which were firmly fixed in the traditional pattern of public education and which offered no significant threat to constitutional liberty.

Our concern in last week's editorial was with the appropriation of hundreds of millions of dollars in public funds for use in improving private and parochial institutions. We are concerned with this and dismayed that it was accomplished with such a tenuous recognition of sudden and drastic departure from American political tradition.

The constitutional issue is not as simple as the Daily News seems to think. There is room for lively debate between observers who agree that the "establishment" clause in the Constitution was not meant to forbid any and all contact between church and state. Degree is important in constitutional matters. One may doubt that the reading of a prayer before class fatally offends the Constitution and still believe that the massive expenditure of public funds for private education does.

Other powerful considerations stand. Having opened the door to the expenditure of public funds for private schools on a college level, have we not invited the same kind of thing on an elementary and secondary level? Does this not raise new and delicate questions of Federal control of education?

In short, we do not fear what the Daily News fears we fear. We are concerned, instead, with the politics of the entering wedge of support for private education. We are mightily concerned about whether the education bill just passed isn't too great a compromise of resources. We detect a measure of euphoria in the Daily News observation that, after all, the act responsible for this thinning out of support for education "will surely be renewed and augmented in the future."

Surely. And augmented and augmented some more unless it is declared unconstitutional. But the significant question is whether this augmentation is desirable as a matter of public policy. The significant question is the one we posed as quoted by the Daily News * * * "whether Americans wish to support private and church-supported institutions and, if so, in what ways and to what degree."

This issue was not debated fully by a Congress preoccupied with other concerns. The very Congressmen who might have been expected to raise the issue instead suppressed it in the name of wringing out passage of some kind of higher education bill.

The issue will not disappear because Congress wishes it would disappear. It will rise to haunt us all as the Nation tackles the complex of educational problems ahead. It will rise and rise again—until it is met.

THE STATUE OF FREEDOM

Mr. PELL. Mr. President, atop the Capitol dome is a lady who, in statuesque and symbolic form, has just passed her 100th birthday.

She came to us from Italy. Her trip to the United States was delayed by storms and there were moments when she might have rested on the ocean floor instead of high above this Chamber. She is clad in flowing garments. A wreath of stars is around her head, and over this are perched plumes reminiscent of the American Indian. Her right hand rests on the hilt of a sheathed sword. Her features are classic in the Grecian manner.

She is the Statue of Freedom. With some deference I mention her age, but chiefly I call attention to the variety of her composition; for freedom is composed of many elements, and significant aspects of freedom have come to us from foreign shores and through stormy difficulties. Indeed, such a lofty position for this lady immigrant is not inappropriate, especially in these times when we would seek to provide greater immigration opportunities for access to the United States.

She may not be modishly gowned in modern fashion; a contemporary artist might produce a different conception. But she stands with historic poise and as a reminder of the continuing diversity of our life. Her placement on the dome was heralded by a 35-gun salute from Capitol Hill a century ago.

Mr. President, as an indication that the past can be combined with the present and to illustrate the vitality of this lady, I ask unanimous consent that a most interesting and somewhat whimsical article from VFW, the monthly publication of the Veterans of Foreign Wars of the United States, be inserted at this point in the RECORD.

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

SHE'S 100 YEARS OLD—AND DOING THE TWIST

(By Mrs. A. R. Forbush)

The Statue of Freedom (not of Liberty—that's in New York Harbor) which surmounts the dome of the Capitol Building in Washington, D.C., is misbehaving.

This year, the lady is 100 years old. She is clad in the flowing, bulky garments of an indefinite period of antiquity, and both her hands are holding a sword, shield, and wreath.

Yet, uncomfortable as her perch may be, and however awkward her costume and accessories, Freedom is doing the twist.

In fact, J. George Stewart, Capitol Architect, said recently that pressures caused by the movement of the dome, which has shown to twist from 3 to 4 inches a day following the course of the sun, were affecting the west front of the building.

Freedom, the dear girl, has had an adventurous life. She was born, so to speak, in Rome, Italy, where her sculptor, Thomas Crawford, had his studio. He was the father of F. Marion Crawford, the novelist.

Such a rugged time did Freedom have getting here that it often seemed she would never reach the United States, let alone the top of the Capitol where she is now, and has long been, it seems, twisting at the rate of 4 inches a day.

She arrived in this country, as a matter of fact, all in pieces. (Which is what some doctors say teenagers will be in if they overdo their twisting.)

Crawford modeled his impressive figure in Rome, and for the plaster model which was to be cast in bronze in the United States he received only $3,000. After Crawford's death, under his wife's supervision, the model—almost 20 feet high—was completed, packed, and shipped on the bark, *Emily Taylor*. Then excitement for Freedom really began. Storms, leaks, repairs—a stop at Gibraltar to caulk the ship and restore the shifting cargo—resailing, new storms, worse leaks—part of the cargo had to be jettisoned and it proved a desperate ordeal to keep the ship afloat across the Atlantic—and finally the battered *Emily Taylor* put into British-owned Bermuda on July 27, 1858, 750 miles off the American coast. There, the ship practically disintegrated.

Freedom, as part of the miscellaneous cargo remaining, was unloaded and stored in a shed along the Bermuda waterfront. The Bermuda Royal Gazette, in November 1858, announced on its front page there would be a sale of, "sails, hull, boats, anchors, and spars" of the *Emily Taylor*, "which vessel

put into the port in distress"—but luckily, the part of the cargo listed as "statuary" was not included. The plaster lady spent a quiet, though disjointed, 8 months in Bermuda, one of the first travelers to enjoy a rest cure on that lovely island. As she was all in pieces, she undoubtedly needed it.

Finally, the bark *G. W. Horton* arrived with part of the statuary. The rest eventually arrived at New York, March 30, 1859, and was shipped in disconnected chunks of plaster to Washington by water aboard the schooner *Statesman*—the final portions arriving late in 1859. Poor Freedom. Her troubles were not yet over. She was reassembled at the Clark Mills foundry northeast of Washington at Bladensburg to be cast in bronze.

The Civil War was the next catastrophe for her. In May of 1861, work was ordered stopped on the statue because, "the Government has no money to spend except on self-defense."

Though much of the contract had been completed, everything was loaded on a railroad flatcar and taken to Washington where work was progressing on the Capitol Building. After a time the lady was returned to the foundry and work proceeded with her casting in bronze.

A gap in available records at this point would make it appear that Freedom, like some other ladies, is coy about revealing her exact birthday. If the date should be that of her first assembly, it could have been in November 1862, for then she was set upon a temporary pedestral on the Capitol Grounds. The annual report of Thomas U. Walter, architect of the Capitol extension, dated November 1, 1862, states that "the statue of Freedom, which is intended as the crowning feature of the dome, is completed, and removed to the grounds east of the Capitol, where it has been placed on a temporary pedestal, in order that the public may have an opportunity to examine it before it is raised to its destined position."

So there was one more step, much delayed, before Freedom attained her permanent position of prominence. It was not until late in 1863 that she was hoisted by steam apparatus to the dome, again in parts because of the terrific weight—and on December 2, the final section, the head and shoulders (this in itself weighing 2,700 pounds) was put in place.

The Federal City of Washington was circled by camps at the time from which thousands of soldiers eagerly watched the Capitol dome for the unfurling of the Union flag which was to signal completion of the installation. Curiously, it was forbidden that any of those engaged in the task make any noise whatever or even wave their hats.

Less difficult to enforce was the prohibition "that anyone get on the head after it is up."

At noon, the signal was given and the head was elevated; the flag was broken out 15 minutes later, whereupon 35-gun salutes were fired, first from a field battery on Capitol Hill, then from one fort after another.

Freedom was officially home.

The immensity and strength of the Capitol dome upon which the statue rests, draws the admiration of most visitors.

Above the outer colonnade, and resting directly over and bearing upon a strong foundation, 36 immense ribs of iron ascend, of a semiellipsoidal shape. These are the skeleton of the huge creation. Hundreds upon hundreds of iron panels, with clamps and screws innumerable, riveted into one circuit of architectural symmetry around these metal ribs, constitute the dome.

The influence of the sun upon this vast iron structure is great. The sun sways its 4,455-ton weight even as it causes the fragile sunflower to bend and follow the course of its flaming path. This fact has been tested by interesting vibratory experiments, made in August 1865, by Mr. B. B. French, Jr., civil engineer, in conjunction with Professor Henry of the Smithsonian Institution. The experiments indicated that the dome oscillated a distance of between 3 and 4 inches. The motion is south, southwest, then west, and as the retiring sun declines and finally disappears, north, northeast, and east, returning to its original position.

Visitors to the Smithsonian Institution in Washington can view the original plaster cast. Freedom's right hand rests upon the hilt of her sword while her left holds a wreath and shield. A medallion below the bodice bearing the letters "U.S." gathers her draperylike attire. Her headdress is the most startling ornamentation. The classic "liberty cap," with which Crawford had crowned his creation, had been rejected because in ancient Greece the insignia was that of freed slaves.

Ironically, it had been Jefferson Davis, Confederate President at the time of Liberty's rise, who had carried through the project to replace the "liberty cap" with a curious feathered helmet, encircled with stars and surmounted by an eagle's head. Davis arranged this alteration when he was U.S. Secretary of War prior to the War Between the States. This change vaguely suggests an Indian bonnet and results in the frequent guess by some that the statue represents Pocahontas. The redesign pleased very few at the time; there was strong pressure to have Freedom hauled down and her headdress again restyled. The cost and difficulty of this proposal, however, resulted in general agreement to let well enough alone.

Ornamentation has since been added by 10 platinum-tipped lightning rods; 1 on the head; 6 on headdress feathers; 1 on each shoulder, and 1 on the shield. A ring of lights, recently installed, illuminates the base of the statue. These additions, of course, have not been duplicated on the plaster model at the Smithsonian. Though just as tall—19 feet 6 inches—it also does not have the immense weight of the giant bronze figure on the Capitol dome.

There she stands and twists—all 14,985 pounds of her. As an awed visitor, hearing of her steady, rhythmic motion, once exclaimed—"Some shimmy!"

THE STATUS OF THE FIGHT AGAINST NARCOTICS ADDICTION

Mr. JAVITS. Mr. President, the report, finally published last month by the President's Advisory Commission on Narcotic and Drug Abuse, should have marked the historic break with the past which I have long advocated, by beginning to treat addiction as an illness and not merely as a crime. The Commission set the stage for this new look by backing, in its comprehensive report, what I have continually urged—along with my colleague, Senator KEATING—as the basic minimums of an enlightened view of this social disease:

1. Legislation to provide Federal assistance to State and local governments and nonprofit organizations for broad treatment and rehabilitation programs in the metropolitan environment of those afflicted.

2. Legislation authorizing Federal civil commitment for treatment of narcotic abusers as an alternative to criminal conviction and imprisonment.

3. Development of a comprehensive Federal research program within the National Institute of Mental Health.

4. A massive effort to achieve effective international control of the distribution of dangerous drugs.

I have hoped that with this distinguished expert support behind the recommendations, the executive branch and the Congress would now act speedily on these recommendations. So far there has been no indication of action, perhaps because of controversy over the Commission's recommendation that the Narcotics Bureau be removed from the Treasury Department and split between the Justice Department and the Department of Health, Education, and Welfare. This may or may not be advantageous, but whatever the dispute on its merits, it should not sidetrack the administration from acting on, and recommending to the Congress, the basic requirements of a modern program to solve the drug abuse problem.

I ask unanimous consent that there be included in my remarks at this point a recent editorial from the Wall Street Journal bearing on this problem.

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

[From the Wall Street Journal, Feb. 7, 1964]

DISMANTLING A NARCOTIC THEORY

One proposal in the newly published report of the President's Commission on Narcotics and Drug Addiction is that the Treasury's Narcotics Bureau be dismantled, with the Justice Department assuming its police functions.

The response to this suggestion could not have been much chillier if the Commission had come out for dope smuggling. Officials of the Treasury, the Justice Department, New York City's Police Commissioner—just about everyone who commented condemned the idea.

That reaction is not only strange but disquieting. It is symptomatic of the whole rigid policy which for so long has made the narcotics problem even worse than it has to be.

To consider the administrative setup itself, it has never made much sense to have the Government's fiscal agency engaged in battling a major criminal problem; the transfer to the Justice Department would merely be a step toward more logical organization. In fact, the Hoover Commission on Government Reorganization proposed just such a move as long ago as 1949.

But it is more than a matter of administrative efficiency. For the Narcotics Bureau has become a symbol of a single theory of dealing with drug addiction. This theory rests on the premise that addiction is a crime and, for all practical purposes, little more than that. It is to be dealt with largely by "strong" laws and "strong" enforcement.

This is the theory the Government has followed for half a century; for the Bureau it has become almost a narcotic. Yet the drug problem remains with us; if anything, it is more virulent than ever. It is clear that strong laws and strong enforcement are hardly deterring addicts.

As the President's Commission commented, "It is difficult to believe that a narcotic addict who is physically and psychologically dependent on a drug will forgo satisfaction of his craving for fear of a long prison sentence. The weakness of the deterrence argument is proved every day by the fact that illicit traffic in narcotics continues."

In seeking a more effective approach, a start can be made by recognizing that addiction is a medical as well as criminal problem. Some people become hooked accidentally through medical treatment to relieve pain. Some fall into the habit because of psychological aberration, curiosity, many other reasons.

Therefore, says the Commission, Federal regulations should be amended "to reflect the general principle that the definition of legitimate medical use of narcotics and legitimate medical treatment of a narcotics addict are primarily to be determined by the medical profession."

As matters now stand, the rules of the Narcotics Bureau often confuse the physician. From fear of prosecution he may refuse to use drugs to treat addicts or, more often, he may refuse to treat them at all. For the same reason the addict may shun physicians. In his mind, at least, he has little recourse but to seek out the dope peddler whose exorbitant profits batten on the addict's seemingly uncontrollable urge for drugs.

With that in mind, the Commission suggests that the law should be changed to discriminate between the dope peddler and the addict who possesses drugs only for his own use. Changes also are overdue in the present heavy mandatory sentences and restrictions on parole. These not only deny courts and enforcement officials any exercise of judgment but make the addicts outlook practically hopeless.

Neither the Commission nor we are suggesting the unrestricted sale of narcotics. Nor are we urging changes just to be soft on addicts; the aim is to find a more sensible approach that would be of some help to some of them. Above all, perhaps, future policy and practice must be flexible, for there is much still to be learned about drug addiction. It would be folly to replace the current status quo with new rigidity.

Dismantling the Narcotics Bureau, the symbol of that status quo, would accomplish little by itself. But if it marked the beginning of a more humane, more fruitful approach to the problem, it would be a good place to start.

PRESIDENTIAL PRAYER BREAKFAST

Mr. CARLSON. Mr. President, many fine articles and editorials have been written regarding the recent Presidential prayer breakfast.

David Lawrence, one of our Nation's outstanding columnists, wrote an article entitled "Prayer Breakfast a Voluntary Affair." It is an excellent discussion and analysis of the breakfast.

I ask unanimous consent that the article be made a part of these remarks.

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

PRAYER BREAKFAST A VOLUNTARY AFFAIR

(By David Lawrence)

WASHINGTON.—Perhaps a Presidential prayer breakfast, such as is held here annually, may seem like a paradox. But the name describes a meeting of more than 1,000 persons, most of them in the Government, who sat down together in the ballroom of the Mayflower Hotel one morning to pray together.

Since Chief Justice Earl Warren himself was at the head table, the event could hardly be criticized on constitutional grounds, and President Johnson took particular pains in his speech to point out that there is a difference between prayer that is voluntary and prayer that is directed by the state itself. He said:

"We who hold public office are enjoined by our Constitution against enacting laws to tell the people when and where or how to pray.

"All our experience and all our knowledge proves that injunction is good. For, if Government could ordain the people's prayer, the Government could also ordain its own worship—and that must never be.

"The separation of church and state has served our freedom well because men of state have not separated themselves from church and faith and prayer.

"I believe that these annual prayer breakfasts serve a most useful purpose in both reminding and reassuring the people that those who hold their trust are themselves godly and prayerful men and women."

It was impressive to see in the audience such an array of Government officials and some Ambassadors. The Speaker of the House was there, as well as Senators and Representatives from both political parties.

Senator FRANK CARLSON, of Kansas, presided. Businessmen, lawyers, and public officials from various States, including some Governors, also participated in this nonpolitical affair. The occasion was sponsored by the International Christian Leadership, and the audience was comprised of Catholics, Protestants, and Jews.

President Kennedy made a speech to a similar gathering just a year ago, and President Eisenhower before him did likewise. The program was devoted entirely to the spiritual theme. It began with a song from the Navy Choir, and the invocation was delivered by George Hayes, a prominent Negro layman.

Gov. Mark Hatfield, of Oregon, made an impressive talk on the meaning of prayer, and then Dr. Billy Graham delivered an impassioned address on the need for spiritual help in these troublous times. He sketched the grave situations that exist throughout the world and pointed regretfully to the many emotional controversies of today, including the racial question. He said this would never be settled in the streets, but only in the homes and in the hearts of men.

President Johnson in his address made an interesting suggestion—that in the city of Washington, the seat of Government, there must be "a fitting memorial to the God who made us all."

He added:

"Our Government cannot and should not sponsor the erection of such a memorial with public funds. But such a living memorial should be here. It should be a center of prayer, open to all men of all faiths at all times.

"The world is given many statistics about the per capita vices of Washington, but the world knows all too little about the per capita virtues of those who live and labor here."

The occasion was an extraordinary one. Not a word of politics—implicit or explicit—was expressed. Nor was there any comment on the policies of the Government.

The meeting was devoted entirely to the encouragement of prayer breakfast groups throughout the country. These are voluntary meetings held by small groups in every city and State. The movement was founded by Dr. Abraham Vereide who also initiated the breakfast groups at the Capitol in the two Houses of Congress more than 20 years ago. Now there are many breakfast groups, composed of personnel of State as well as city governments.

THE FEDERAL GOVERNMENT'S STEPCHILD: THE U.S. MINING INDUSTRY—A NEW APPROACH IS LONG OVERDUE

Mr. GRUENING. Mr. President, during my service in the Senate, I have repeatedly expressed my great concern that more attention should be paid by the Congress to the importance of our mining industry in the United States. As I have said before, it frequently seems as though the mining industry is the one part of our economy which has been completely neglected over the years in planning national policies. As chairman of the Minerals, Materials, and Fuels Subcommittee of the Senate Committee on Interior and Insular Affairs, I had repeatedly called to my attention the real needs of the mining industry for assistance which have been either ignored or opposed by the executive branch of the Government.

In the case of the gold miners, a group uniquely damaged by arbitrary Government action, it has been impossible, so far, to enlist the very important support of the Treasury and Interior Departments for the enactment of legislation that would be important in reviving this almost extinct enterprise. Gold miners cannot now produce gold profitably because of an arbitrary price set by the executive branch of the Government 30 years ago which cannot be changed. The unduly stringent Order No. L–208 of the War Production Board during World War II which closed all the gold mines was another example of arbitrary Government action directed against the gold miners which proved to be a blow that has never been fully or fairly compensated.

No other gold mining country among our allies and associates in the war took a similar step. Canada, South Africa, Australia all continued to produce gold. The U.S. Government alone put its gold miners out of business. It seems to me inexcusable that the executive branch has never been willing to recognize that the gold miners deserve special assistance not only because this is a very important industry but because the difficulties it faces arise entirely from repressive measures imposed by the executive branch from which there has been no appeal.

I hope there will come a time when a different attitude will prevail and legislation to revitalize the gold mining industry can be enacted.

The negative attitudes of the executive branch of the Government toward the mining industry are not restricted to gold miners alone. In fact, this lack of sympathy toward the mining industry is apparent in almost every context. For example, I introduced an amendment to the Revenue Act of 1964 which was designed to eliminate an existing restriction on amounts mining industries may deduct for exploration expenditures. This modest proposal to aid the miners was strangled by opposition of the Treasury Department. It is, again, my hope that patient exploration of the issues involved will develop a new attitude on the part of the Treasury Department and that eventually we may be able to obtain at least some tax relief for the mining industry.

The premise on which I have sought legislation to remove restrictions on exploration expenditures in the mining industry has been that, in modern days, exploration techniques for minerals are wholly comparable with research programs of other industries, which expenses are entirely deductible.

The significance of the great changes in mining exploration techniques which have occurred are evidence in reading a most interesting article in the New York Times of Sunday, February 16. The article "Modern Sourdoughs Bring New

Techniques to Ancient Search for Minerals" describes the new world of prospecting in which highly sophisticated scientific methods are used to explore for mineral deposits. I ask unanimous consent that this article be printed in the RECORD at this time together with another related article in the same issue of the New York Times dealing with a new look in silver mining in the State of Utah.

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

[From the New York Times, Feb. 16, 1964]

MODERN SOURDOUGHS BRING NEW TECHNIQUES TO ANCIENT SEARCH FOR MINERALS

(By John M. Lee)

Mining has long held a romantic fascination for Americans.

Almost 100 years ago, when Bret Harte wrote "The Luck of Roaring Camp," easterners delighted in the crusty color of the California mining country.

Although the sourdough and his burro have yielded to the engineer in light plane or station wagon, mining remains a great adventure. Its contemporary dimensions include political turmoil abroad, world price competition and the technology of the computer age.

Mining also faces the mundane problems of rising costs and declining grades of some domestic ores. But these problems are being tackled through the cost-cutting and improved efficiency of automation and mechanization. Employment, however, is declining.

Some 2,500 minerals specialists who grapple with these issues are in New York this week for the annual meeting of the American Institute of Mining, Metallurgical, and Petroleum Engineers.

Most of their 150 technical sessions at the Astor and Statler Hilton hotels will deal with the techniques of finding, extracting, refining, and using mineral products.

But mining has broadened its horizons, and some sessions will deal with international financing, the exploitation of minerals in underdeveloped countries and the social consequences of closing a mine.

For the next few days, Manhattan can stake a claim as the world's biggest mining camp.

The importance of the minerals industries can hardly be exaggerated. From the days of King Solomon's mines and the Damascus sword, minerals and their effective use have formed the base of national wealth and power.

Broadly speaking, the minerals industries comprise metals, such as iron ore, copper, and silver; nonmetallic minerals, such as gypsum, potash, sand, and gravel, and mineral-derived fuels, like coal, oil, and gas.

The value of mineral production last year climbed to a record $19.7 billion, the U.S. Bureau of Mines reports. The 1963 figure was some $800 million above the previous high in 1962 and continued the upward trend begun in 1959.

OUTLOOK CALLED BRIGHT

With the uses of minerals and mineral fuels so intertwined with an expanding industrial economy, the outlook is bright. Charles White Merrill, Chief of the Bureau of Mines' Mineral Divisions, writes in the February issue of Mining Engineering:

"It is clear that the overall demand for minerals is not only assured but is certain to expand for many years ahead."

Mr. Merrill warns, however, that not all minerals can be expected to expand their use at the same rate. He notes, for example, the decline in importance of anthracite coal and the rise of natural gas.

Other observations are that the mineral supply of the future must be won from lower and lower grade materials, often at greater depths; that mechanization and automation will continue to advance, and that mineral demand can often be reduced by more efficient consumer use.

Other factors that can influence mineral use are the competition between metals, such as between aluminum and steel, and the competitive challenge of metal substitutes, such as plastics.

SEARCH CONTINUES

He also notes the enormous investments needed for efficient mining today and warns of the need for political stability when considering investing in underdeveloped nations.

"Engineering judgments," he says, "frequently involve political appraisals more difficult than the technologic ones."

With the demand for minerals taken for granted, the search for new, higher grade or more accessible mineral deposits continues. The newer techniques of geophysics and geochemistry have been supplementing the older geology.

P. W. Guild of the U.S. Geological Survey illustrates modern corporate practices in a current Mining Engineering article by quoting Paul A. Bailly, president of the Bear Creek Mining Co., to this effect:

"At the reconnaissance stage, we have done regional geologic map compilation and quite a lot of literature search. Our reconnaissance in the field involves the use of airplanes and helicopters for what can be called geo-optical reconnaissance."

BAFFIN ISLAND TO BRAZIL

"We also use some geochemical exploration methods. The geophysics division continues to use the induced polarization method for defining shallow sulfidized areas.

"At the physical exploration stage, we have started using operations research in evaluating drill hole spacings, and statistical methods in evaluating assay data."

What a far cry this is from the prospector, his pick, and shovel.

Last year, minerals exploration turned up rich iron ore on Baffin Island in the Arctic Ocean, gold in Canada's Northwest Territory, molybdenum in Wyoming, and zinc in Brazil.

The rise in the price of silver has stimulated exploration for that metal, particularly around the old western camps, Mr. Guild says, with some new finds apparently being made.

He also notes the increasing role that international organizations are playing in mineral development. The World Bank has helped finance Gabon maganese and Mauritanian iron, although not at the exploratory stage.

A more direct role is played by the United Nations Special Fund, which is administered by Paul G. Hoffman as managing director. The Fund engages in preinvestment surveys, feasibility studies, and technical training in minerals and metallurgy.

The Fund presently has underway 27 projects from Argentina to Upper Volta at a cost of $40.3 million. The objective is to aid economic development through the building of local mining and refining industries.

In Africa, for example, mineral resources hold that continent's great promise of industrialization and increased export earnings.

Mining investments abroad, however, have taken on an incredible complexity.

Last November, in Liberia, an iron ore project known as the Lamco Joint Venture was dedicated, but only after a decade of financial, engineering, and construction activity involving United States, German, Swedish, and Liberian participants and the expenditure of $220 million.

The hazards of oversea investment were dramatized in the change of regime in Cuba and the subsequent elimination of that island as an important source of nickel and cobalt for the United States.

In a symposium this week, L. C. Raymond, senior mining engineer at Ford, Bacon & Davis, Inc., will comment on the risks of oversea investment. In a paper, he suggests:

"These risk factors can be greatly cushioned by recourse to law and order, possibly a special arbitration group connected with the World Court."

Despite the risks, foreign ores continue to be sought when the grade is high and when the economics of extraction and shipment are attractive. But the influx can create competitive problems for the domestic industry.

MEETING COMPETITION

In the case of iron ore, however, domestic producers are meeting the competition with high-iron-content pellets. In the case of lead and zinc, domestic producers have been successful in obtaining quotas to limit imports.

The combination of lead and zinc quotas and higher demand for these metals have led to higher prices, which in turn could stimulate greater domestic mine production.

Politics and mining are inevitably mixed, with mining interests affected by Government stockpile accumulations or disposals and by the proposed wilderness bill, which would exclude minerals prospecting from designated recreational areas. Mining subsidies are often proposed.

On a State level, the possibility of massive investments in Minnesota taconite, a low-iron rock, hinges on the approval by Minnesota voters this fall of a referendum on so-called fair tax treatment for the taconite mining industry.

The U.S. mining industry sometimes raises a protectionist cry on the ground that this country must become self-sufficient in minerals as a defense in the cold war.

Although this country leads the world in mineral output and consumption, the point is raised that its share of the world's total is dwindling rapidly. More attention to domestic resources is urged.

The counterargument is that the United States could not become completely self-sufficient if it wanted to. Although this country is liberally endowed with most resources, some important ones, such as tin, are either not available at all or not available in large quantity or in economically extractable grades.

In addition, friendly nations with minerals to sell must be supported through liberal and mutually profitable trade policies, this argument holds.

Consequently, foreign policy might bear on the future of the minerals industries as much as advanced control systems for the preparation of ore.

[From the New York Times, Feb. 16, 1964]

SNOW NOR COLD HALTS MINING, BUT THOSE SKI GALS MIGHT

PARK CITY, UTAH, February 15.—Neither snow, nor cold, nor sleet, nor ice is slowing ore production here in the operating mines of Utah's oldest silver camp, "but those ski gals are liable to bring work to a shuddering stop anytime soon." That's the considered opinion of mining men lining the bar in the Bucket, Tommy Matthew's popular spa in Park City.

To foster employment in what was once Utah's busiest silver-lead-zinc district, the United Park City Mines Co. recently utilized a $1.2 million Area Redevelopment Administration loan to construct a 2½ mile long gondola lift, a chair lift and two J-bar tows atop the snowy Wasatch peaks into which its mine shafts burrow.

THE WHISTLING STOPS

As a result, when the snows deepened just before Christmas, skiers including quite a

few women began stemming and schussing past the shaft house and offices of the old Silver King Mine Co. "Eyes popped for a while, but now the whistling has stoppped and mining is back to normal," says Art Gray, an underground superintendent.

S. K. Droubay, mining engineer who manages both the resort and mining operations of United Park City, believes he is the only mining man extant who scans the skies in hopes of heavier snowstorms.

"We have about 100 men working underground in Park City and snow, or lack of it, don't bother them at all," he says. "But plenty of snow means plenty of work for another 100 employees of our recreation division—and most of them running the lifts and gondolas are ex-miners."

Elsewhere in the mountainous West, mining engineers look at snow and below-zero temperatures less favorably, although modern machinery and proper lubricants keep open-pit mines, as well as underground operations, running smoothly despite bitter weather. Near Ely, Nev., a perennial "icebox of the Nation" where temperatures of 15 below zero are not uncommon, Kennecott Copper Corp. crews keep pretty close to the goal of 24,000 tons of ore and 80,000 tons of waste that must be moved from the Ruth open pit daily.

ONE BIG BLIZZARD

According to Canadian-born M. J. O'Shaughnessy, heavy-set, round-faced, cheerful chief of Kennecott's Nevada operations, "Snow hasn't been too bad except for one big blizzard in January."

Traffic problems engendered when 500 men drive to the mine and another 500 drive to the reduction plant 20 miles away at McGill set off major headaches for all mine families. Keeping ore from freezing in railroad hopper cars and proper lubrication of the mine's 9-cubic-yard shovels and 65-ton trucks are Mr. O'Shaughnessy's operating problems, "but you meet them by preparing in advance," he says.

At Hailey, Idaho, not far from Sun Valley, Gavin Young, project manager at the Federal Resources Co.'s Silver Star-Queen Mine echoes Mr. O'Shaughnessy's motto, sadly adding, "You can have plenty of trouble with winter weather if you're not ready. That's why we spent our time mining snow a few weeks back."

Mr. Young explains that his men were building a new mill, but couldn't get the roof on before the first big storm hit.

"You could ski down the ridge where the room should have been. In fact, some of the men did," Mr. Young says ruefully. The roof is on now, machinery is being installed and the mill will be operational in March. "But that was the first time I ever mined snow out of the inside of a building."

Far to the north, in Idaho's frigid Coeur d'Alene country, 62-year-old Lee Messerly, general mining superintendent for Federal Resources, is trying to prepare the Conjecture-Star Mine for springtime operation.

"It gets a bit rough," he reports, "since we've got almost 20 miles of road to Bayview to keep open ourselves, and the snow is 4 or 5 feet deep."

His eight-man crew manages without a telephone, "but we are real comfortable, with electric blower stoves giving us all the heat we need." Mr. Messerly and his men are "kind of used to snow; after all, it started coming down in October." They watch deer and elk rather than television and do some fishing in nearby Lake Ponderosa when the weather eases off."

EASIER THAN ANDES

In Utah's old Tintic mining district, 40-year-old Gale Hansen, a "geologist who went wrong," is the mining engineer in charge of a Kennecott effort to establish a new, productive silver-lead-zinc operation. Heading up a 46-man crew, Mr. Hansen has headquarters 6 miles from Eureka in a wind-swept cluster of mine buildings 6,000 feet above sea level.

"This is pretty easy compared with three winters I spent in the Andes," Mr. Hansen says, "We have all the conveniences, television, stores in Eureka." But he commutes 75 miles to Salt Lake City each weekend to be with his wife and children, and adds "trying to make a mine is never easy."

Mr. Hansen's development work includes sinking a 1,500-foot-deep shaft, constructing shops, compressor houses, assay office, hoists and related structures.

"If you plan it, you can do it, and keep pretty much on schedule," he believes. "Partly it's because of new materials. Nowadays you can use plastics and heaters and pour concrete even though we've got a foot of snow and zero weather."

Proper lubrication keeps bulldozers and snow-removal gear operating, proper clothing makes outdoor work far easier than a decade or so ago. "Why, some of my people like the winter weather so much they drive ever to Alta for some skiing on their day off, almost 70 miles," Mr. Hansen says with a grin.

The ACTING PRESIDENT pro tempore. Is there any further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ASSISTANCE TO CERTAIN LOCAL EDUCATIONAL AGENCIES—AMENDMENTS TO PUBLIC LAW 874

Mr. MORSE. Mr. President, I send to the desk for appropriate reference a bill to amend Public Law 874 to provide payments to local school districts based upon two additional categories of public school pupils who have a relationship to Federal programs and activities. The bill would also amend existing law to provide the Commissioner of Education with authority to phase out payments in connection with termination of existing programs over a 3-year period, instead of the present 1-year period.

If enacted, the bill would recognize the Federal connection for school district payment purposes of first, children of school age on whose behalf parents are currently receiving payments under the aid for dependent children welfare program and, second, children in families receiving unemployment compensation benefits in those areas which have been designated by the Secretary of Labor as areas of substantial unemployment.

It is estimated that there are currently some 2-million school age children in families receiving aid for dependent children payments. The bill provides that if the number of children in a school district is 3 percent or more of the total number of children who were in average daily attendance during the year that the district could receive for each child a payment equal to 25 percent of the payment made under Public Law 874 for a child whose parent both lives and works on Federal property. The cost of this portion of the amendment would thus be under $140 million a year. The second category for which payment would be made relates to areas designated by the Secretary of Labor as areas of substantial unemployment. In January there were 39 such areas throughout the country.

Mr. President, I ask unanimous consent that at this point in my remarks a listing of these areas and the number of families receiving unemployment compensation benefits be printed.

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

Areas of substantial unemployment as of mid-January 1964

1. Fresno, Calif.	7,200
2. San Diego, Calif.	16,100
3. San Jose, Calif.	12,500
4. Stockton, Calif.	6,500
5. Waterbury, Conn.	3,500
6. Miami, Fla.	7,500
7. South Bend, Ind.[1]	6,100
8. Brockton, Mass.	4,500
9. Fall River, Mass.	8,100
10. Lawrence, Haverville, Mass.	5,800
11. Lowell, Mass.	4,800
12. New Bedford, Mass.	6,600
13. Springfield, Chicopee, Holyoke, Mass.[1]	9,400
14. Worcester, Mass.	7,800
15. Duluth-Superior, Minn.	3,200
16. Atlantic City, N.J.	7,100
17. Jersey City, N.J.	16,200
18. Newark, N.J.	36,100
19. Buffalo, N.Y.	23,800
20. Utica-Rome, N.Y.	7,500
21. Hamilton-Middleton, Ohio	3,600
22. Altoona, Pa.	3,200
23. Erie, Pa.	5,100
24. Johnstown, Pa.	6,500
25. Philadelphia, Pa.	79,800
26. Pittsburgh, Pa.	48,700
27. Scranton, Pa.	8,300
28. Wilkes-Barre-Hazelton, Pa.	13,600
29. Mayaguez, P.R.	1,000
30. Ponce, P.R.	1,500
31. San Juan, P.R.	3,900
32. Providence-Pawtucket, R.I.	20,400
33. Chattanooga, Tenn.	4,000
34. Beaumont-Port Arthur, Tex.	3,400
35. Seattle, Wash.[1]	28,300
36. Tacoma, Wash.[1]	6,500
37. Charleston, W. Va.	3,000
38. Huntington, W. Va.	4,400
39. Wheeling, W. Va.	3,600

[1] All the foregoing areas with these exceptions have had substantial unemployment for a period of at least 9 months.

NOTE.—Total number of benefit payments, 449,100.

Average number of children per unemployment compensation benefit families estimated at 2.6.

Number of children on whose account school district payments by virtue of unemployment compensation benefit relationship is 1,167,660.

Estimated cost based on 25 percent of local contribution rate (average payment made by Federal Government to school districts under category A of Public Law 874 for children whose parents are both employed on and who live on Federal property) $78,815,050.

Mr. MORSE. Mr. President, Senators will note that the geographical distribution ranges from Fresno, Calif., and Seattle on the west coast through the Midwest—Minnesota and Indiana are on the list—to the east coast and Southern States of Florida, Tennessee and Texas.

It is estimated that the school district would receive payments based upon 2.6 times the number of unemployment compensation benefits. The rate of payment in this category would also be set at 25 percent of the payment made for a child whose parent both lives and works on Federal property.

I am currently in the process of deriving cost figures for this portion of the program, but, in my judgment, the total cost of the program initially would not exceed $200 million annually, or less than is being appropriated for category A and B payments under Public Law 874.

The important point, however, is that this money would be funneled directly into those areas by these twin standards having a great need for additional school funds. Every large metropolitan center would receive help from the Federal Government to educate these youngsters for whom the Federal Government through the twin programs of aid to dependent children and unemployment compensation benefits has already assumed a responsibility.

I want to make it perfectly clear that I am not wedded to the precise language of the bill. It would be my hope that hearings upon it could perfect the detail and the language.

I suggest to Senators that the bill has certain advantages in its approach. These include:

First, the decision as to which school district the aid shall go, and the amount, is automatically determined by objective verifiable factors associated with depressed areas whether rural or urban——

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon may have an additional 10 minutes.

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

Mr. MORSE. Second, the certification to the school district from local welfare offices and unemployment compensation offices of the numbers of children in each category could be accomplished with a minimum of clerical expense, and in addition, such a program should not increase Federal employment perceptibly;

Third, under the procedure no question of Federal control of local education is raised;

Fourth, all metropolitan areas and many additional school districts, particularly in areas such as Appalachia, could qualify for assistance, thus adding significantly to the political support for the program;

Fifth, since this is not a general aid bill but rather a pin-pointed assistance to economically distressed school districts bill, I would hope that it could escape the church-state and racial issue controversies; and

Sixth, it possesses a philosophy or logic for the aid given—the children in the two new categories are already related to Federal programs.

The Federal Government is contributing to their housing, clothing, and food through the AFDC and the unemployment compensation programs. These children and their families are not in economic brackets whereby the local tax base is enhanced by their presence. By adopting these amendments we would be recognizing that the Federal Government has a responsibility, in part, to help to educate the children so that in the future, through education, perhaps these cycles of poverty could be broken. School districts which have large numbers of children from very low income families have costs which are greater in many instances than high income suburban school districts—yet far too often they do not have the revenues to finance the types of program which are needed if the native talent and ability of the child is to be developed. The additional $200 million or more annually that this program might cost, perhaps, is justified if it serves to reduce the ranks of the future unemployed.

One thing we can be sure of, unless we strive to find ways to meet the problem of poverty, we will serve only to perpetuate it. Education may not be the only key to the door of opportunity, but without education that door will remain locked.

The bill has two main sections. The final section of the bill is designed to guard against the disruption of an ongoing program in the event of a cancellation of the military or defense activity. At the present time the phaseout of Federal assistance would take place within a year. I am suggesting that the Commissioner be given authority to stretch out the termination of this impacted area program for 3 years when he finds this to be appropriate. I can foresee that the elimination of a defense activity in an area can cause just as great or greater problems for a school system as the establishment of such a program.

Mr. President, I ask unanimous consent that the text of the bill as introduced be printed at this point in my remarks.

I also ask unanimous consent that the bill be held at the desk for additional cosponsors until the close of business, February 28.

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

The bill (S. 2528) to amend Public Law 874, 81st Congress, in order to provide assistance to local educational agencies in the education of children of needy families and children residing in areas of substantial unemployment with unemployed parents, introduced by Mr. MORSE (for himself and Mr. METCALF), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to provide financial assistance for local educational agencies in areas affected by Federal activity, and for other purposes", approved September 30, 1950 (20 U.S.C. 236) is amended (1) by inserting "(a)" after "SECTION 1." and (2) by inserting at the end of such section a new subsection as follows:

"(b) It is further declared that in recognition of the continuing policy and responsibility of the Federal Government to promote full employment throughout the Nation and to encourage education necessary to such employment, it is also the purpose of this Act to provide assistance to local educational agencies in the education of children of needy families and children residing in areas of substantial unemployment with unemployed parents."

SEC. 2. Such Act is further amended by inserting after section 4 a new section as follows:

"CHILDREN OF NEEDY FAMILIES AND CHILDREN RESIDING IN AREAS OF SUBSTANTIAL UNEMPLOYMENT WITH UNEMPLOYED PARENTS

"Authorization

"SEC. 4A. (a) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year, the Commissioner shall determine the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools—

"(1) were dependent children for the purposes of title IV of the Social Security Act, or

"(2) resided in an area, which during a major portion of such year was designated by the Secretary of Labor as an area of substantial unemployment, with one or more parents neither of whom was regularly employed and at least one of whom was drawing State unemployment compensation.

For the purposes of this section a child may not be counted under both clauses 1 and 2 of this subsection for the same period.

"DETERMINATION OF AMOUNT

"(b) The amount to which a local educational agency is entitled under this section for any fiscal year shall be an amount equal to (1) 25 per centum of the local contribution rate (determined under section 3(d)) multiplied by (2) the number of children determined under subsection (a).

"MINIMUM REQUIREMENT

"(c) No local educational agency shall be entitled to receive any payment for a fiscal year with respect to a number of children determined under subsection (a) unless the number of children who were in average daily attendance during such year and to whom such subsection applies—

"(1) is ten or more; and

"(2) amounts to 3 per centum or more of the total number of children who were in average daily attendance during such year and for whom such agency provided free public education.

Notwithstanding the preceding provisions of this subsection, the Commissioner may waive the 3 per centum condition of entitlement whenever, in his judgment, exceptional circumstances exist which would make the application of such condition inequitable and would defeat the purposes of this section.

"DETERMINATION OF NUMBER OF CHILDREN

"(d) The determination whether a local educational agency has met the percentage requirement for eligibility under this section for any fiscal year shall be made on the basis of estimates by the Commissioner prior to the close of such year, except that an underestimate made by the Commissioner pursuant to this subsection shall not operate to deprive an agency of its entitlement to any payments under this section to which it would be entitled had the estimate been accurate."

SEC. 3. Sections 3(f) and 4(d) of such Act are each amended (1) by inserting after "such agency is otherwise entitled under this section for such year" the following: "and the two succeeding fiscal years", and (2) by striking out "current expenditures for such year" and inserting in lieu thereof "current expenditures for such years".

SEC. 4. Section 5 of such Act is amended (1) in subsection (a) by striking out "or 4" and inserting in lieu thereof "4, or 4A", and (2) in subsection (c) by striking out "and 4(a)" and inserting in lieu thereof "4(a), and 4A".

SEC. 5. Section 9 of such Act is amended by inserting at the end thereof the following:

"(11) The term 'State unemployment compensation' means unemployment compensation paid to an individual under State law or title XV of the Social Security Act."

SEC. 6. The amendments made by this Act shall be effective for fiscal years beginning after June 30, 1964.

WHEAT AND COTTON PROGRAM

Mr. DOMINICK. Mr. President, I feel shy speaking on an agricultural subject, because I am not a member of the Committee on Agriculture and Forestry, but I did wish to bring out what has happened in the committee, inasmuch as we shall be debating the particular issue within the next few days, and also to present to the Senate some questions as to the merit of the bill that was reported.

It is my understanding that the bill finally reported by the committee over the objection of the chairman was a bill which was not even considered, so far as hearings were concerned, but was pushed through as a compromise, with wheat and cotton lumped together.

The proposals for both wheat and cotton have one basic ingredient in common, and that is that the farmers who will receive support under them will receive payment for their crops, part of it in the marketplace and part of it from the Federal Government. In general, this is considered as the payment issue, involving the question of whether the Government itself should provide a part of the income for the farmers who are producing the crops.

There are a number of different viewpoints on this question. I recently received a document from the American Farm Bureau Federation, dated February 1964, entitled "Questions and Answers on 'The Payments Issue'."

I must say, in all candor, that this is about as clear an exposition of the basic issues we shall be asked to debate—either this week or next week—as I have yet seen on this particular agricultural problem.

For example:

Question No. 1. What kind of payments are we talking about?

Answer. Any kind of Government payment that is made for the purpose of supplying a part of the income farmers receive for the sale of their products.

This is true whether we do it in the form of support, in the form of loans, or in the form of certificates—which is what is being proposed at this point, certificate payments for wheat supports. We are doing it whether it applies only to cotton and wheat, as in this particular bill, or whether it also applies to the dairy production supports which have been asked for by the Senator from Minnesota.

It seems to me that finally we must come to a decision on—and a basic decision—as to whether we are to go along with producers in the agricultural industry themselves, who feel that they can do better by getting free from governmental control, or whether we are going to keep them encased in a system whereby we provide incentives for their prices and still say that they must reduce production even with that incentive. These two things conflict on every occasion and on every other program with every other commodity in this country.

We should not forget that support payments were designed to promote increased production. Yet, in the agricultural field, for some reason wholly bewildering to me and to many others, we provide the support payments and then say there is no reason why production will be cut down. It makes no sense.

Inasmuch as I believe this particular series of questions and answers is productive and will be useful in the debate soon to follow, I ask unanimous consent to have the document printed in the RECORD.

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

QUESTIONS AND ANSWERS ON THE PAYMENTS ISSUE

Should farmers get their income in the marketplace or partly from the market and partly from some sort of Government payment? In other words, the issue is whether Government checks should be used to pay a part of the price farmers receive for their products. This is the hottest farm policy issue before Congress during this election year of 1964.

The following questions and answers have been prepared to facilitate understanding of this issue:

Question. What kind of payments are we talking about?

Answer. Any kind of Government payment that is made for the purpose of supplying a part of the income farmers receive for the sale of their products.

Question. What commodities would be affected by current payment proposals?

Answer. Legislation now before Congress proposes various types of payments for dairy products, wheat, and cotton. If the payments approach is adopted for these major commodities, it can be expected to spread to the rest of agriculture.

Question. What is proposed for dairy products?

Answer. Senator MCCARTHY of Minnesota has proposed a plan under which producers reducing production of manufacturing milk would receive Government payments of not to exceed 50 cents per hundredweight on their marketings.

Question. What is proposed for cotton?

Answer. There are two types of payment proposals on cotton. Under the Cooley bill, which has passed the House, payments would be made to handlers (in effect, to the mills) to compensate in full or in part, for the subsidies already being paid on cotton exports. An additional payment would be made to each cotton grower on the first 15 bales of his production although this might be disguised by a program of buying such cotton at the support level and offering it for resale at a lower price.

Under the Talmadge-Humphrey bill cotton would be supported at the world price level, and payments would be used to provide additional support for cotton produced within a domestic allotment. All such payments would go directly to producers. Producers would receive one rate of payment for the first 15 bales of production, within domestic allotments, a lower rate for the next 15 bales of such production, and a still lower rate for production in excess of 30 bales.

Question. What is proposed for wheat?

Answer. The major payment proposals for wheat are the so-called voluntary certificate plan and the Humphrey bill. Pending certificate proposals are based on the plan which growers voted down in the May 1963 wheat referendum. Cooperating growers would receive certificates entitling them to payments on certificate wheat. The total number of certificates to be issued would be based on domestic human consumption and a portion of wheat exports. Some versions provide for one level of payments on the domestic portion of the certificate wheat and a lower rate on the export portion. The cost of the proposed payments would be partly, or completely, offset by a processing tax (bread tax). The cost could be completely offset if participation were low since the tax collected on wheat sold by noncooperators could cover the cost of the payments on export wheat. If participation were high it would be necessary to use Treasury funds for payments on the export portion of the certificate wheat. Under the Humphrey bill cooperating producers would receive a payment of not more than 65 cents per bushel on 50 percent of the normal yield of their planted acres (which is assumed to be the domestic portion of the crop), and 25 cents per bushel on the other 50 percent (which is assumed to be export wheat). This plan is similar to the certificate plan in many respects. The principal difference is that under the Humphrey bill all payments would be financed by the Federal Treasury as there is no provision for a processing tax.

Question. Aren't some of these proposals similar to the present feed grain program in some respects?

Answer. Yes. Under the 1963 and 1964 feed grain programs cooperating producers qualify for both commodity loans and price support payments. For example, in 1963 cooperating corn producers were eligible for price support loans at a national average rate of $1.07 per bushel, and a price support payment of 18 cents per bushel on the normal yield of their planted acres.

Question. Are there objections to a payment plan such as the one now in effect on corn?

Answer. Yes. Payments are wrong in principle because they are destructive of the market system. Under the feed grain program the producer makes his production plans on the assumption that corn is worth $1.25 per bushel. But, since he is getting part of the support price (18 cents in 1963) from the Government, he bases his livestock production plans on the assumption that corn is worth only $1.07 per bushel. A situation of this type encourages an overproduction of both corn and livestock. The feed grain program is supposed to reduce production but the 1963 feed grain crop was the largest on record.

Question. Is there any common denominator in these various plans?

Answer. Yes. While the various plans differ in form and detail they all propose to make producers dependent upon Government payments for a part of the price of their product.

Question. Is this a new issue?

Answer. No; the issue raised by current payment proposals is the same as that raised by the Brannan plan, which Congress rejected in 1949. Regardless of differences in form and detail, the current payment proposals are all "Brannan-type plans."

Question. What's the difference between Brannan-type payments and the payments

that are made under the ACP and Conservation Reserve programs?

Answer. Payments for retiring land or following conservation practices are not destructive of the market system. They do not come between the producer and the consumer of farm products by establishing one price level for the producer and a lower price level for those who buy his product as all Brannan-type programs would do. They do not divide farmers into classes and establish separate prices for commodities produced by each class as the Cooley and Talmadge bills would do. They do not force the individual farmer to sell products of identical quality for different prices as the certificate plans would do.

Question. Would payments make it possible to support prices without production controls?

Answer. No, except in the case of a deficit commodity such as wool. Payments would stimulate excessive production of most commodities and this additional production would depress prices below the level that would prevail on a free market. With payments stimulating production the prices prevailing in the market would not be true "market prices"—they would be "Government-wrecked prices." Proponents recognize that payment programs would require controls to limit Government costs. In a number of current proposals the purpose of the payments is to buy compliance with a Government supply-management program.

Question. Would Congress provide the money for a large-scale payments program?

Answer. No one can answer this question with absolute certainty. A payment program covering all of agriculture would cost billions of dallors. Farmers are a constantly declining percentage of our total population. There may well be a limit to the willingness of the Congress (a majority of whose members are primarily responsible to nonfarm people) to vote the vast sums that would be required for a full-scale payments program year after year. Farmers might well have to enter into political deals with other groups such as organized labor in order to round up votes for payment appropriations.

Question. What would happen if Congress should provide less than the full amount needed for a payment program?

Answer. The payments promised producers would have to be reduced. The easiest way to do this would be to limit the amount that may be made to any one producer. The proposal in the Talmadge-Humphrey cotton bill to establish a graduated scale of payment rates for producers who receive domestic allotments of more than 15 bales illustrates one method of limiting payments to individuals. Other proposals would simply set a limit on the total amount that may be paid to any one producer.

Question. Are there limitations on payments under the Wool Act?

Answer. Not yet; however, a limitation of $1,000 has been proposed. The 11 Western States, plus Texas and South Dakota, have 95 percent of the growers that would be affected by such a limitation. The other 37 States have the remaining 5 percent of the affected growers. Thus, the politics of numbers favors the adoption of a limitation so that the payments to smaller producers can be increased.

Question. How would a limitation on payments to individuals affect producers?

Answer. It would set a ceiling on opportunity in agriculture. Since payments would stimulate production and depress market prices, it would become unprofitable to produce more than the amount eligible for the payments.

Question. How would a payment program affect efficiency?

Answer. Producers would be encouraged to continue high-cost inefficient production in order to get the payments. On the other hand, the restrictive effect of controls and limitations on payments would fall primarily on the producers with efficient-size units.

Question. How would a payment program affect consumers?

Answer. Any program that encourages inefficiency means high-cost food and fiber when total costs (market prices, plus payments) are taken into account.

Question. Who is for the payment approach?

Answer. The payment approach is advocated by the Secretary of Agriculture and groups that favor a Government-managed agriculture. In the past 3 years a number of supply management programs have been rejected either by the Congress or by producer referendums. So, the supply managers are now pinning their hopes on the idea that payments can be used to buy support for Government supply management programs.

Question. Where do labor unions stand on the payments issue?

Answer. Labor unions are generally in favor of payments. Union leaders are no doubt interested in cheap food, but their real objectives are to keep as many people as possible on the farm (and out of the job market) and to break down the farmers' traditional independence. If farm income were dependent on annual congressional appropriations farm groups might well be forced to support union-backed "welfare" legislation in order to get union support for farm appropriations.

Question. Where do businessmen stand on this issue?

Answer. Some businessmen who buy and sell farm products think that the payment approach would "get the Government out" of their business. Some who sell to farmers think that payments would give farmers more spending money. Dealers in farm products should ask themselves whether they can really "get the Government out of their business" by destroying the market system. Those who sell to farmers should ask themselves whether farmers will be better customers under a system that emphasizes individual opportunity, permits farmers to adjust to changing conditions and encourages the development of adequate units; or a system that fosters inefficiency and sets a ceiling on opportunity.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

MR. AND MRS. HARLEY BREWER

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which the clerk will state by title.

The LEGISLATIVE CLERK. An act for the relief of Mr. and Mrs. Harley Brewer.

MASS TRANSPORTATION

Mr. LAUSCHE. Mr. President, during the tax bill debate, last week, I made the comment on the floor of the Senate that once it was enacted, the accompanying sanctimonious outbursts for Federal fiscal responsibility would soon turn into polite whispers and then quietly disappear into oblivion. I further stated—and one does not have to be a prognosticator to do this—that once a respectable period of time went by after its enactment, the race for more and greater Federal spending would get underway with lightning speed. The bill has not been signed into law yet—but already the Federal subsidy idealists are on their way again. The mad dash to the Federal Treasury by special interest groups has started, and as usual the American taxpayers—especially those who work conscienciously to meet their needs and wants—will end up being trampled on like so many jack rabbits in a stampede. Well, if it is really beyond our power to help protect the American taxpayer from these spurious Treasury raids—undeniably some of us in Congress are desperately trying—then we can at least alert the responsible citizen, so that he can protect himself wherever possible from the onslaught of Federal fiscal irresponsibility.

According to a notice on the front page of the American Transit Association's recent weekly newspaper, there will be a meeting this week of a group known as the Urban Mass Transportation Steering Committee here in Washington, D.C. I urge my brethren in the House of Representatives to take special notice of this group—whatever it might call itself—because the object of this meeting will undoubtedly include the development of a program to pressure House Members to vote for the mass transit subsidy bill now pending in the House Rules Committee. As a matter of fact, this notice bluntly implies just that.

The new program that the group will push for seems innocent enough, as embodied in the budget submitted to Congress. Only $75 million is asked for in fiscal 1965 to get the transit subsidy program going. After all, $75 million from a $100 billion budget is nothing but the proverbial drop in the bucket. The newly formed Urban Mass Transportation Steering Committee will no doubt try to convince the Members of the House of Representatives that this new program is nothing more than that.

Let me briefly show for the RECORD what this seemingly innocent plea will amount to if the transit subsidy bill is enacted.

First, as passed by the Senate, the bill contemplates $375 million in direct subsidies, a $375 million revenue bond guarantee program and a loan program, all to be used by local and State public bodies for building mass transportation facilities. The program would be administered by a special office in the Housing and Home Finance Agency which was set up less than 2 years ago. HHFA would decide which cities would be eligible to receive Federal aid under the overall program.

If I may digress here briefly—this proposed subsidy program is being advocated by these special interests groups because, they say, the Federal Government subsidizes the construction of highways which in turn, is causing more traffic congestion, air pollution, "miles and miles of unsightly concrete and asphalt," to use their words, in the Nation's cities. But they are quick to add that highways are necessary—as if this were a revelation. So it follows, they say, that the Federal Government has the obligation to subsidize local mass transit. What logic.

Mr. President, it is more than just about time to set those so-called facts right. The Nation's highway program is being paid for by the users of the highways through gas, rubber, and excise taxes. These taxes go into a special Federal trust fund—and for the benefit of the transit subsidy proponents it is known appropriately as the highway trust fund—and these user charges pay for the construction of a national, coast-to-coast highway system on a pay-as-you-go basis. Furthermore, this highway system unites all cities in the Nation without regard to their size; funds are apportioned accordingly. And this national system—I want to emphasize the words national system—serves not only the automobile users but the "baker and candlestick maker," the trucking industry and business in general by the delivery of products over the highways between the cities as well as within them. In addition, the Nation's fire and police departments and school buses—as well as ambulances on emergency calls—use these highways. Who else but the Federal Government could act as the catalyst for collecting the charges imposed on the users of the highways and coordinate the development of a national system of highways? The argument by the transit subsidy proponents concerning the Federal aid highway is specious.

On the other hand, the transit subsidy proposal, if enacted, will not be paid for by the users, and funds for carrying it out will come from the general treasury which contains taxes collected from everyone in all parts of the country. Only the users of transit would directly benefit from this subsidy program.

How many cities would be eligible for direct subsidy under this proposal? As constituted, no one would really know until the HHFA Administrator decided, of course. But here are some hopeful guidelines as to the program's possible cost. The Census Bureau statistical breakdown shows that there are 212 standard metropolitan areas. These are areas having 50,000 or more inhabitants. According to a study paid for by the Federal Government, the total projected needs for only 40 of these 212 areas for developing new transit facilities amounts to some $10 billion over the next 16 years. So, if the Federal Government puts up two-thirds of the net project cost of each facility involved, this could amount to two-thirds of the total cost—or as high as $6 billion as the Administrator of HHFA pointed out in testimony. But the point of my statement is that the real figure would be considerably higher than 6 billion or even 10 billion if the program were to go into effect, because then more and more cities would fight for their rightful share. It is a well-known fact that the price tags for new Federal programs are almost always underestimated. This program is no exception. The irony of the whole thing is that the proposal is strictly a big city attempt to get the American taxpayer to foot the bill for its transit facilities; facilities which it can pay for if it wants to. San Francisco—as well as other cities around the country—has proven that.

Mr. President, I shall ask unanimous consent to have printed in the RECORD following my statement a report given at a conference on urban passenger transportation held recently by the U.S. Chamber of Commerce, which shows that the Nation's urban areas have the wealth to pay for—and subsidize if need be—their own transit construction programs.

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

Mr. LAUSCHE. Mr. President, so the American Transit Association, with a membership of 250 transit systems—out of a total of about 1,200—is trying to get the transit subsidy bill enacted. But the American Transit Association has a selfish financial interest in getting good old Uncle Sam to pay their transit bill. This meeting in Washington is of interest to those who stand to gain by the passage of a program that will cost the American taxpayer well over $10 billion, if it is enacted.

Mr. President, now that the matter of Federal fiscal responsibility has subsided, the gold rush is on again—not the old-fashioned type of course, but the one that leads to the Federal Treasury. Maybe it is time for the Nation's taxpayers to form a committee of its own that will successfully head off the stampede before it reaches them—at least as it relates to this proposal.

Mr. President, as I have stated, assembled in Washington this week is the so-called urban mass transportation steering committee, meeting primarily for the purpose of stimulating favorable consideration of the great urban mass transportation bill which was passed by the Senate last year and is now pending in the House.

In my judgment, if the bill eventually becomes law it will entail an expense of at least $10 billion on the part of the Federal Government before the program is finally put into effect. There has been considerable talk about reduction of governmental expenses so as to warrant the tax reduction which was made.

Mr. PROXMIRE. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. PROXMIRE. The Senator from Ohio estimates that it will cost $10 billion before the program is finally put into effect. Would he not agree that over the years that expenditure will continue indefinitely and will grow as the years pass by, certainly so long as the Federal Government offers this kind of superincentive, this kind of grant, this vast amount of subsidy to a mass transportation system? There is every reason why the local communities are sure to rely on the Federal Goverment to provide the money rather than paying for it through its own fare-box operation.

Mr. LAUSCHE. I concur completely in what the Senator from Wisconsin has said. This will be a permanent program, in my judgment. It will mean that forever, hereafter, the Federal Government will be buying buses, terminal facilities, and equipment, to finance governmentally local operated mass transportation systems.

Mr. PROXMIRE. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. PROXMIRE. Will the Senator from Ohio also agree that this kind of program will result in wasteful expenditures, inasmuch as there will not be the same kind of incentive to eliminate the uneconomic runs of the bus system, for example, that there will not be the same incentive for keeping costs down that there would be if operators faced the alternative to efficient operation of higher fares or higher local property taxes?

Mr. LAUSCHE. I concur in the statement by the Senator from Wisconsin. Strong proof is available as to what happens in the efforts to fiscally manage a local mass transportation system when it is being subsidized. New York has not been able to solve its problem—neither has Boston or Philadelphia. There are other communities in the Nation, including my own city of Cleveland, which have made it an objective to operate the system on a self-sustaining basis—and it has done so.

My judgment is rather unalterable that the moment the Federal Government begins to subsidize these systems, all concern about prudent management will be thrown to the winds. The deficits will mean nothing because the Federal Government will pick them up. I repeat, I concur with what the Senator from Wisconsin has said.

Mr. DOMINICK. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I am glad to yield to the Senator from Colorado.

Mr. DOMINICK. I should like to remind the Senator from Ohio that during the process of debate on the mass transit bill, I brought up the point of whether we should eliminate the provision which now permits all Federal aid to be cut off from an entire area if the administrator or the transit agency does not like the rate structure which is put in, even though it may have been approved by the local or State public utilities commission.

Can the Senator tell me whether this provision is still in the House bill that is about to be debated, or whether we have an opportunity at least of getting out of this autocratic power?

Mr. LAUSCHE. I cannot answer that, because I do not know. The Senator gives me information of which I have not been aware. Has it come to the floor of the House yet?

Mr. DOMINICK. I believe it is still in committee.

Mr. LAUSCHE. It is in committee, but the committee does not feel that we should enter into this expenditure. The pressure is on to get the committee to release it. I hope that the good judgment which has been manifested by the committee members will not now be thrown aside, because it is needed, more than ever in face of the fact that we have reduced prospective revenues to the Government by $11 billion through the tax reduction.

Mr. DOMINICK. I agree with the distinguished Senator from Ohio.

Mr. LAUSCHE. One word further, Mr. President.

The sponsors of the bill are arguing that the U.S. Government should finance the building of interstate highways. They say, "If we are financing the building of interstate highways, logically we should finance the mass transportation systems of the various communities throughout the country." There is a flagrant weakness in this argument of the proponents of the mass transportation bill. We forget completely that the Federal Government has imposed a special gasoline tax, an excise tax on tires and accessories for the purpose of creating the trust fund to build highways.

There was no contemplation of imposing a special tax to finance this eternal program which is being urged. The taxpayers generally will have to provide the money. When hearings were held on the measure before the Commerce Commission, a Mr. Maloney, of Boston, in charge of the Boston transit system, testified that he was highly elated by the results being obtained in a pilot test that was being made. The Federal Government spent $4 million in Boston. The State of Massachusetts put up some money, and the local people put up some money also. It was decided that if fares were cut by one-third and train service increased by 75 percent, people would give up their automobiles and ride the trains.

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

Mr. LAUSCHE. I yield.

Mr. SIMPSON. Does the Senator believe that it is possible to beguile car owners into not using their automobiles by any such subterfuge?

Mr. LAUSCHE. I did not think so at that time, and my judgment has been corroborated by what happened on the Boston & Maine Railroad.

Mr. SIMPSON. It happened also in Chicago. The reverse is exactly the fact.

Mr. LAUSCHE. Yes. Mr. Maloney was in charge of the project. Ten million dollars was made available. Fares were reduced by 33⅓ percent, and the frequency of train service was increased by 75 percent.

About 3 weeks ago the program was abandoned. Automobilists would not give up the convenience of their automobiles. They did not ride the trains.

There was also a rather fascinating sidelight to all this. The transportation expert of Northwestern University testified last March that even if automobilists were paid to ride the trains, unless they were picked up in front of their homes and brought to their offices, they would not ride the trains.

Mr. McNAMARA rose.

Mr. LAUSCHE. I am glad to yield to the Senator from Michigan.

Mr. McNAMARA. I had not intended to participate in the debate. I am very much interested in what the Senator is saying, however.

Mr. LAUSCHE. The Senator and I will be together on the St. Lawrence Seaway issue.

Mr. President, I have some statistics, which I ask unanimous consent to have placed in the RECORD at this point.

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

THE PLIGHT OF METROPOLITAN AREAS—TOO MANY GOVERNMENTS, TOO FEW FINANCIAL POWERS?

(By Ralph E. Rechel, consultant, Economics and Organization of Transportation, Washington, D.C.)

These sheets present data on trends in the numbers of jurisdictions (I), on the taxes collected from metropolitan area residents by all levels of government (II), and on the dependence of local governments on transfers of money from State and Federal levels (III). These figures provide rough measures of the jurisdiction problem and of the past financial trends.

I. TRENDS IN THE NUMBER OF JURISDICTIONS INVOLVED IN METROPOLITAN REGIONAL TRANSPORTATION PROBLEMS

The first portion of the 1962 Census of Governments to be tabulated and published covers government organization. This census report shows that between 1952 and 1962:

The number of counties decreased by 10, primarily caused by the elimination of counties in Connecticut.

The number of municipalities increased by 1,190 due to new incorporations.

The populations in many of the newly incorporated areas (effectively severed from a more unified type of administration) are large: 23 new cities had over 100,000 people when incorporated; 423 new cities had over 10,000 people.

The number of townships decreased by 58 due to the above incorporations.

The number of special districts (not including school districts) increased by 4,283.

The number of school districts, the government unit least related to finance of transportation facilities, decreased by 6,000 due to consolidations.

Central cities of 50,000 or more population and their contiguous urban county, or counties, are designated as standard metropolitan statistical areas (hereafter SMA) in Federal statistics, including the census of governments. The census shows that between 1957 and 1962 the number of SMA's increased from 174 to 212. Within the 212 SMA's there were increases of 298 (8 percent) in the number of municipalities and of 1,675 (45 percent) in the number of special districts in the 5 years between 1957 and 1962. There was a decrease of one county.

Since the urban passenger transportation problem is located primarily in the SMA's, it is clear that the number of jurisdictions which must cooperate in, or organize for, planning, financing, and operating areawide transportation services are increasing. This will inevitably make cooperation and organization in the metropolitan areas more difficult.

In 1962 the 212 SMA's contained 310 counties, 4,142 municipalities, 2,575 townships, and 5,411 special districts. While many of the latter will not affect transportation directly, there were 310 multiple-purpose districts and 773 highway districts. Housing and urban renewal accounted for another 1,099 districts. While there is no data on the number of special districts having the power to tax property within SMA's, over half of all special districts (not including school districts) in the United States possess such power. Presumably half or more of the districts within SMA's have taxing powers.

II. WHO PAYS THE TAXES IN THE UNITED STATES?

The following table shows the proportion of revenues of local, State, and Federal Governments which are collected from people residing in SMA's. Since the revenue portions of the 1962 Census of Governments have not been published, the data are from the 1957 Census of Governments and the 1957 report of collections by Internal Revenue Service. The methods of estimating State and Federal tax colelctions in SMA's are contained in an appendix note.

Estimate of the collection of all taxes inside and outside of metropolitan areas, fiscal year 1957

Level of government	Total public revenue [1]	Revenues from outside SMA's (thousands)	Revenues from inside SMA's [5]	Percent of total revenues from SMA's
1. Federal tax collections	[2] $82,387,233	$25,722,408	$56,664,825	68.8
2. State collections and charges	[3] 20,728,217	66,867,736	14,041,481	67.7
3. Local collections and charges	[4] 18,407,000	5,339,000	13,068,000	71.0
4. Total	121,522,450	37,748,144	83,774,306	68.9
5. 1960 population	178,464	66,079	112,385	63.0

[1] For 48 States and the District of Columbia.
[2] Internal Revenue Service only, thus excluding customs duties and charges or sales revenues of various Federal agencies.
[3] Include taxes, interest, charges for services, and liquor store income.
[4] Same items as in footnote 3 for county, municipal, and township governments, and all types of special districts including school districts.
[5] Includes only the 174 SMA's in the 1957 census. There are 212 in the 1962 census which is not yet published.

The answer to the title question is, of course, "People who live in metropolitan areas." Since the methods of estimation tend to undervalue the State and Federal collections in SMA's, and there are now 212 SMA's rather than the 173 used in 1957, it is conservative to assume that at least 75 percent of all Federal, State, and local taxes are paid by residents of metropolitan areas.

Since these areas are the primary producers of wealth and taxes in the country, the question may well be asked, "Why do they have to come to Washington for money?" A principal reason is that these major groups of taxpayers are not able to effectively control or channel the collection and spending of the public funds which they provide. This lack of control is largely caused by the multitude of political jurisdictions acting within the SMA's, and the many limits on the powers to act of the individual units of local government. Legally, towns, cities, counties, and special districts are much better equipped to spend money handed to them from the outside than to raise and spend their own money, or to cooperate with equivalent jurisdictions in spending jointly the locally raised funds. The local government's power tends to be negative in effect rather than creative.

It is clear that SMA's do not get "free" money from Washington, since they already supply most of Washington's money.

III. LOCAL GOVERNMENTS RECEIVE LARGE PORTIONS OF THE FUNDS THEY SPEND FROM STATE AND FEDERAL SOURCES

The dependence of local governments (cities, townships, counties) on transfers of funds from the State and Federal Govern-

ments increased steadily until 1950. Since that time local revenues have increased at a slightly more rapid rate than the transfers from outside.

Year	Transfers from State and Federal sources (millions of dollars)[1]	State-Federal transfers as percent of total local government revenue
1902	$56	6.6
1922	321	8.3
1932	811	14.3
1940	1,932	27.8
1948	3,501	30.8
1950	4,428	31.6
1957	7,539	29.7

[1] Of these amounts, the direct Federal grants are less than 10 percent of the Federal-State total in all years.

The 1957 figure consists of $350 million granted directly to local governments by the Federal Government and $7,189 million transferred to them by State governments. An additional $3,523 million was granted to the States by the Federal Government. Much of this was spent in urban areas for education, public welfare, highways, etc., so that, in terms of the physical location of expenditures rather than the government unit doing the spending, the total transfers to local governments were substantially greater than the above table indicates. The ratio is probably 35 to 40 percent.

All of the above data include all local governments, both in and out of SMA's. State and Federal grants constituted 25.1 percent of the general revenues of local governments in SMA's in 1957, or 4.6 percentage points less than the ratio for all local governments. This may indicate that revenues are increasing more rapidly in the SMA's than outside. No historical trend is available.

These figures, while indicating a favorable change in trends, emphasize the relative financial weaknesses of local government as presently operated. If metropolitan regional needs of great magnitude are to be effectively dealt with by local governments, much strengthening will be necessary.

APPENDIX NOTE—METHOD OF ESTIMATING FEDERAL AND STATE TAX DISTRIBUTIONS TO SMA'S

The taxes and charges collected by the local governments in the SMA's were reported directly by SMA and by State in the census of governments. State tax and charge revenues were reported by the Census but without any geographic breakdown within the State. The Federal revenues were taken from the annual collection report of Internal Revenue Service for 1957 where the moneys are identified by the State in which the collection took place. The total of State and Federal revenues for each State were distributed between residents of SMA's and all other residents on the basis of the 1960 Census of Population. While this is a convenient method for a brief analysis such as this, the use of population has a number of disadvantages.

States: Detailed studies of the distribution by county of State revenue collections have indicated that urban taxpayers contribute about 5 to 8 percent more per capita than do rural taxpayers. Thus the State revenues from the SMA's are understated by perhaps 5 percent or more.

Federal: Although the IRS collections are reported by State many problems arise in relating such collections to the people who actually paid the taxes as consumers. Corporate income taxes, paid originally by the entire population, are concentrated as collections in a few of the States with large populations in the SMA's. On the other hand the manufacturer's excises on alcohol and tobacco products are collected in predominantly rural States although paid largely by the urban population (the latter constitutes over 70 percent of the total). For purposes of this analysis it is assumed that these defects roughly cancel out; that is, do not shift enough income among States with differing ratios of SMA population to seriously affect the suggested distributions.

Federal taxes are much more strongly alined with income than are State taxes. Therefore the Federal taxes collected in SMA's are more seriously understated by using distributions based on rural-urban population ratios than are State taxes. Average annual cash income differences between urban and rural populations range from 15 to 25 percent. It is not possible to judge the probable understatement of SMA Federal tax production without additional analysis.

While a thorough analysis of the origins of taxes and charges paid to governments would cause many changes in details, it is unlikely that the 75-percent ratio estimated for SMA's in the text would be changed more than 5 percentage points.

MASS TRANSIT STEERING COMMITTEE MEETS FEBRUARY 18

WASHINGTON, D.C.—The Urban Mass Transportation Steering Committee will hold a meeting here on Tuesday, February 18, in the Housing Center on L Street. This Committee is the one set up to assist toward the enactment of the Federal mass transportation bill. All parties interested in attending the meeting are invited to do so. Further details can be obtained from ATA Headquarters in New York.

UNITED STATES TERMINATES ASSISTANCE TO ALLIES

Mr. SIMPSON. Mr. President, the administration, after interminable study and a few quarterback sneaks, has reached a consensus, labored, and brought forth a brilliant coup d'etat against communism in the Western Hemisphere. This deft blow was delivered Tuesday by terminating U.S. military assistance programs to two of our stanchest European allies.

The administration has moved off dead center, but from where I sit, the villains of the piece have escaped unscathed while we have placed ourselves at the throats of our friends.

The action, in the name of anticommunism, has indicated our willingness to slap down our allies and cleave the Western alliances provided, of course, that the administration's critics are mollified and Castro is not goaded into threats of a "thermonuclear holocaust." But, of paramount importance, Mr. President, the administration has announced to the world the extent to which its alternatives of action have been reduced in meeting the challenges of the cold war.

Communist Cuba is the root of the strife to the south. The State Department, with an assist from the press, handed the Pearl of the Antilles and its 7 million inhabitants to communism on a silver platter. Now, a half decade later, comes the terrifying realization that Khrushchev and Castro have boxed the United States into a corner.

In just 5 years Khrushchev, without firing a shot or sacrificing a Russian soldier anywhere in the Caribbean, has caused us to make a mockery of our alliances, obviate our sacred trusts, and turn against the nations with which we must identify ourselves to survive. Khrushchev has bluffed, coerced, subverted, and bought a position of Soviet preeminence in the Western Hemisphere and so frightened the timid souls who execute our foreign policy that not a finger is raised against him.

In the administration's eyes our alternatives are deteriorating so rapidly that the only action we can now take against Communist aggression is against our friends and allies. We cannot chase the bear or pull the beard. We can only strike at our friends—for they will not strike back.

Mr. President, the Congress enacted the law under which the administration is directed to end aid to countries violating our facetious embargo on Cuban trade. I have no quarrel with that law. I voted for it when the foreign aid bill was passed. But, I feel it important that this question be raised: Must this legislation now become an "out" for the administration to use in circumventing a decision on the source of the violence that pervades the Western Hemisphere?

On January 31 I placed in the RECORD a speech in which I said, in regard to French recognition of Communist China:

> The tragedy of the French action is that it is a byproduct of what might be termed America's policy of "the great vacillation." U.S. policymakers had not caused us to stand firm in Europe and in our own hemisphere, and we had not guided with decisiveness the thrust of the free world against the menace of international communism.

I would hazard the opinion again, Mr. President, that had the United States conducted its foreign affairs in a manner compatible with its position and its responsibilities, and had we developed the hand-tailored opportunities in April of 1961 and October of 1962 to expel communism from Cuba, we would not today find our alternatives of action limited to striking against our allies or doing nothing at all.

I am not defending the British and French policy of trading with Castro. It is a demonstrably false policy. The British position that a fat Communist is more amenable than a lean one recalls the profundity of Neville Chamberlain when he brought peace to Europe in the 1930's only to find England in the middle of a savage war months later and his name synonymous with appeasement.

As David Wills of Three Star Extra put it last Friday:

> The British argue that a well-fed Communist, a fat and confident Communist, loses his revolutionary zeal and ceases to be a Communist. Hence, they conclude the best way to defeat the Communists is to trade with them—to feed them and to fatten them. Now the British surround their argument with an atmosphere of superior wisdom presumably gathered over the centuries while we were indifferent and inexperienced in foreign affairs. But this assumption is not supported by the facts. Before the Second World War, successive British governments were just as determined to ignore Hitler's written threats as they now are to belittle the Communist menace. Despite all warnings Chamberlain pursued appeasement until disaster was inevitable. The unequaled bravery displayed by the British when their backs were to the wall was matched only by the blindness with which they maneuvered themselves into this desperate condition. The record suggests that the British may be as wrong now in trading with Russia as they were in appeasing Hitler

* * * just as wrong in fact as we were in selling scrap iron to Japan in the thirties.

Those are strong and prophetic words. Moreover, it can be said another way, that Britain is as wrong in trading with Communist Cuba as we are in peddling our wheat to the Soviet Union for rerouting to Cuba.

Tuesday's action, although not of great importance from a dollars and cents basis, can be expected to have symbolic impact on relations with our allies.

Two English newspapers, the Daily Telegraph and the Guardian, made the most indicative remarks. The Daily Telegraph said the move "amounted to a rather undignified end to one of the historic postwar arrangements between the two countries." Both the newspapers noted the absurdity of one member of an allied triumvirate terminating its aid to the other members for an "offense" of which all three are equally culpable. The Guardian, aware of the shiver of trepidation that runs through the State Department whenever Castro's name is mentioned, correctly opinated that "the Americans merely contrive to hurt their friends without hurting Castro."

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

Mr. SIMPSON. I yield.

Mr. LAUSCHE. It is a coincidence that a few days ago there came to my office a letter from a citizen of Columbus, Ohio, whose name I shall not identify, reciting facts giving strong corroboration to the correctness of the views which the Senator from Wyoming has just expressed.

I read from the letter:

FEBRUARY 18, 1964.

HON. FRANK J. LAUSCHE,
New Senate Office Building,
Washington, D.C.

DEAR MR. LAUSCHE: In January 1964, I spent some time in Mexico, not as a tourist, but as a member of the wedding party of a physician friend of mine. In fact, I was the best man at this wedding, which not only had a civil ceremony on one day but a religious ceremony the next. Because of this I spent considerable time in the homes of professional and business Mexicans, many of whom I have known from previous visits to Mexico. This trip was limited to visiting of friends in Mexico City and spending a few days in Taxco.

I am giving you this outline so that you will realize that what I am writing you about is not hearsay picked up by a random tourist.

The Mexican citizens with whom I came in contact are very much perturbed and bewildered at the United States so-called foreign policy. They cannot understand what has happened to our State Department. They cannot understand why a country like the United States has suddenly taken the attitude as they phrased it (of hiding under the bed whenever some small country politician said boo). This got to be very embarrassing to both my wife, our daughter, and myself because it was brought up at each place we were. They are especially concerned about the Cuban situation, as they are now being infiltrated to such a state that the Cuban agents openly work among the students at the university. They made the statement many times that they were not concerned about the older Mexican people, regardless of class, but that it was the students who were being indoctrinated and who are now beginning to raise trouble for them.

Everyone with whom I talked emphasized the fact that while Mexico was strongly pro-United States, they could not be expected to continue in that manner unless the United States did an about face and did something to regain the vast amount of lost prestige. Needless to say this is very humiliating to one, when one's very good friends bring up these problems. In fact, it has been more than humiliating to me here in the United States to see how we have deteriorated in our handling of these situations.

I spent considerable time with various physicians, many of whom teach at the great University of Mexico Medical School. They are having their problems with socialized medicine and told me that many of their top men were leaving Mexico to practice in other countries because of this situation.

Trusting this information from an interested citizen may be of some help to you in getting us (out from under the bed) I am,

Yours very truly,

——— ———.

The people of the world want to honor us. By our weakness in asserting our rights, we are making impossible the fulfillment of the will of the people of the world.

The difficulties in which we find ourselves in countless places around the world should be a matter of grave concern to every citizen of our country.

Mr. SIMPSON. Mr. President, I appreciate very much the contributions made to this discussion by the distinguished Senator from Ohio. The letter which he read thoroughly accords with my views as to what is happening. Castro's Communist base in Cuba is now causing trouble all over the world, and will continue to cause increased trouble.

EARTHQUAKE AT AZORES ISLANDS

Mr. KENNEDY. Mr. President, once again tragedy has struck the Azores Islands. An earthquake hit the island of São Jorge on Tuesday, causing widespread damage and forcing at least 20,000 persons from their homes.

In 1958, when a similar calamity struck the Azores, President Kennedy, then Senator from Massachusetts, cosponsored special emergency legislation to provide nonquota immigrant visas so that some of these displaced Portugese citizens could enter the United States.

The tragedy of this week is just as great and it calls for similar compassionate action on the part of our country.

As soon as the reports are in on the extent of the damage and the number of persons rendered homeless by the catastrophe, I intend to introduce similar emergency legislation to relax the immigration quota.

I hope it will find the support of Congress.

INTIMIDATION OF SENATOR DIRKSEN

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an article entitled "Intimidating Senator DIRKSEN," written by William S. White and published in the Evening Star of yesterday, February 19, 1964. Mr. White, who as we all know is one of the most astute and able correspondents and columnists in the Washington newspaper field, has written a remarkably fine article.

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

INTIMIDATING SENATOR DIRKSEN

(By William S. White)

The United States has, in the old phrase, now seized the issue of civil rights. A long and bitter struggle over that bill, as already passed by the House of Representatives, now opens.

Now opens, too, the most powerful and open pressure upon a single Senator—EVERETT MCKINLEY DIRKSEN, of Illinois—ever applied in the memory of old Washington hands.

Senator DIRKSEN, the Republican leader of the Senate, has long been an advocate of civil rights in general. He has, however, been opposed to any unqualified grant of power to the Federal Government to compel privately owned businesses to serve Negro customers against their will. He does not like or support such discrimination. But he honestly questions whether Federal compulsion would not be an unconstitutional intrusion on the right of private property.

All the same, the proposed ban on this form of discrimination is the heart of this whole bill, as the Negro organizations now see it. To oppose it is to be treated as "against civil rights."

The Negro organizations frankly intend to drive Senator DIRKSEN from his present position of resistance on principle by the most extraordinary demonstrations against a single public officeholder ever seen in the United States since those directed a century ago against individual Senators not willing to vote a verdict of impeachment against President Andrew Johnson in the Reconstruction aftermath of the Civil War.

PERSONAL DEMONSTRATIONS

James Farmer, national director of the Congress of Racial Equality, has publicly declared that there will be extensive demonstrations in Illinois against the Senator personally. He has added that people will march en masse to the post offices there to file handwritten letters protesting Senator DIRKSEN's attitude.

The Senator, himself—whose courage and high sense of responsibility have rightly become familiar to a Senate which once had reason not quite so highly to regard him—has retorted:

"All the picketing they may do in my home State and all the picketing they may do here is nothing more than a form of unjustified duress to secure a judgment against my convictions." If the day should come when such pressure could force him to change honestly held convictions, he has added, on that day he would leave the Senate.

Without going at the moment into the merits and demerits of the public accommodations section of the civil rights bill, some observations are now essential.

MOBISM

This sort of naked attempted intimidation of a U.S. Senator is not a part of anybody's civil rights. It is, instead, a profound civil wrong. This is not the way of fair men in a free society. This is moral and intellectual mobism. And those who condone it, either out of a confusion of motives or a lack of courage, will live to regret a shameful surrender to hysteria and demagoguery.

What happens to Senator DIRKSEN personally in itself is important. For he has behaved with civility and honor in a high post in a forum whose whole tradition is the assumption that great public issues are

to be settled in the minds of men and not by crude menace, in whatever form it might take.

But what happens to Senator DIRKSEN as a symbol is even more important. If pressure groups, however earnestly motivated, can picket a Senator in the exercise of his duty and conscience, as though he were some industrial plant refusing a wage increase, where does the picketing stop?

Can a judge be terrorized to turn from an unpopular to a popular decision in a case at law? Can a jury be swayed in the very courtroom by the chants of pickets under the courthouse windows, or thrust from its convictions by the physical pressures of marching men shouldering and elbowing it as it goes out to lunch?

Can a somber and infinitely complicated national issue be decided by the simple process of selecting a single man of responsibility and pouring out upon him, day and night, the angry demands of one set of partisans in the dispute? Is this legislation? Or is this the thin and terrible end of a wedge that might one day be driven into the whole fabric of orderly responsibility in this Nation?

AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS FOR THE COAST GUARD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 849, S. 2456.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2456) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The ACTING PRESIDENT pro tempore. 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 Commerce, with an amendment, on page 1, after the enacting clause, to strike out "That funds are hereby authorized to be appropriated, without fiscal year limitation, for the use of the Coast Guard as follows:" and insert "That the sum of $71,799,000 is authorized to be appropriated for the fiscal year 1965 for the use of the Coast Guard as follows:"; 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 sum of $71,799,000 is authorized to be appropriated for the fiscal year 1965 for the use of the Coast Guard as follows:

VESSELS

For procurement of—
(1) one high-endurance cutter;
(2) six medium-endurance cutters;
(3) one coastal tender;
(4) three inland tenders;
(5) three small harbor tugs;
(6) nine small patrol cutters; and
(7) one river tender.

AIRCRAFT

For procurement of seventeen helicopters.

CONSTRUCTION

For establishment or development of Coast Guard installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following projects:

Atlantic Coast: Offshore light platforms at Shoals and Chesapeake Bay entrance.

Missouri River: Moorings for river tender.

Air Station, Elizabeth City, North Carolina: Replace runway.

Air Detachment, Annette Island, Alaska: Family housing units and support facilities.

Detroit, Michigan: Operational facilities for helicopter detachment.

Aircraft Repair and Supply Base, Elizabeth City, North Carolina: Maintenance facilities.

Air Detachment, San Juan, Puerto Rico: Maintenance and operational facilities.

Moorings, Mayport, Florida: Administrative, operational and maintenance facilities.

San Juan, Puerto Rico: Family housing units and support facilities.

Depot, Guam: Replace operational, administrative, and supply facilities.

Wilmington, North Carolina: Moorings for large cutter.

Base, Ketchikan, Alaska: Improve maintenance facilities.

Base, Woods Hole, Massachusetts: Improve operational and maintenance facilities.

Academy, New London, Connecticut: Field house.

Loran Station, Sitkinak, Alaska: Replace runway.

Mr. BARTLETT. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 9640.

The ACTING PRESIDENT pro tempore laid before the Senate the bill (H.R. 9640) to authorize authorizations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, which was read twice by its title.

Mr. BARTLETT. Mr. President, I move to strike from H.R. 9640 all after the enacting clause and to insert in lieu thereof the language of S. 2456 as it is proposed to be amended.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

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

The bill (H.R. 9640) was read the third time and passed.

Mr. BARTLETT. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. BARTLETT, Mr. MAGNUSON, Mr. HART, Mr. PROUTY, and Mr. BEALL conferees on the part of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 2456 is indefinitely postponed.

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement concerning the bill, together with an excerpt from the report.

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

STATEMENT

The purpose of this bill is to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. The committee authorized a sum of $71,799,000 to be appropriated to the U.S. Coast Guard for the fiscal year 1965.

AMENDMENT TO THE BILL

The committee amendment modified the bill in two respects. As introduced, the bill included no dollar figures for specific items authorized or for a total authorization and the bill would have permitted the Coast Guard to carry authorizations forward without fiscal year limitation for purposes of future appropriations.

When the act requiring this authorization (Public Law 88-45) was enacted, the Senate Commerce Committee report stated that one purpose of the legislation was to bring the congressional procedures affecting the Coast Guard into harmony with those relating to the Army, Navy, and Air Force. It is also acknowledged that the operations of the Coast Guard involve significantly smaller appropriations and special consideration may be required to assure the necessary flexibility.

For the past several years the practice has been to enact two authorization bills annually for the Armed Forces, one primarily for procurement and research and a second for construction of military installations. The practice has been to include specific dollar figures, with limited authority for adjusted increases, on items of military construction and to provide specific dollar figures on total procurement of aircraft, missiles, and vessels. The funds are authorized with fiscal year limitations. The committee amendment to the bill, therefore, has the dual effect of placing an overall dollar limitation on the authorization and limiting the authorization to the single fiscal year 1965. The latter, of course, has no effect on the question of whether funds appropriated may be held until expended, which is a concern of the Committee on Appropriations.

The committee did not attempt at this time to establish any permanent practice in respect to future Coast Guard authorizations, but it is hoped that the legislation introduced next year will follow more closely the practices developed under the authorizations for the Armed Forces.

LEGISLATIVE BACKGROUND

This bill represents the first legislative proposal submitted by the U.S. Coast Guard to obtain authorization for appropriations pursuant to Public Law 88-45. That act, passed and approved by the President in June 1963, provides that no funds may be appropriated to the Coast Guard for the procurement of vessels or aircraft or the construction of shore or offshore establishments unless the appropriation of such funds has been authorized by law. Public Law 88-45 gives the Coast Guard the same opportunity as is given the Armed Forces of the United States to present a construction and procurement program to Congress.

The committee received the bill on January 22 of this year. Hearings were held January 29 and the bill was ordered reported February 7. In responding promptly to this request for authorization, the committee recognizes that the responsibilities of the Coast Guard have increased by severalfold in recent years and obsolete and inadequate facilities and vessels have continued to pyramid.

ANALYSIS

Vessel replacement program

The Coast Guard construction and procurement authorizations included in this bill are parts of a comprehensive program documented in Coast Guard reports relating to the replacement and augmentation of vessels, aircraft, and shore establishments.

In respect to the authorization of vessels, the basic plan provides for a construction schedule which will, by 1975, make available to the Coast Guard an adequate fleet of serviceable and modern ships. The basic program for this year would permit the replacement of 15 vessels and the construction of 9 new augmenting vessels.

The vessel replacement program includes the construction of one 350-foot, 270-ton, high-endurance vessel; five medium-endurance vessels of 210 feet in length; one coastal tender of 157 feet; three inland tenders, two tugs, and three patrol boats of 100 feet or less.

The Coast Guard has 36 ships now classed as high-endurance vessels. These are the Coast Guard's largest and most versatile vessels. They are used in long-range search and rescue and in ocean station duty primarily. Six of these vessels are over 25 years old and all of the 36 will be at least 25 years old by 1971. The committee approved authorization for the construction of one vessel for replacement. The Coast Guard noted that a second vessel is to be reconditioned during 1965 with funds outside the authorization bill.

The Coast Guard uses the medium-endurance vessel primarily for search and rescue work immediately offshore along our coast. The Coast Guard has 30 vessels in this category that are or will be overage by 1970. The program for fiscal year 1965 authorizes the replacement of five vessels of this class with cutters of 210 feet overall in length with a maximum speed of 18.7 knots.

The Coast Guard has 26 vessels of the coastal buoy-tender class. Eleven of these ships will be obsolete by the end of 1964. At the present time two are under construction from funds previously made available. The authorization for fiscal 1965 permits the replacement of one additional vessel of this class with a tender of 157 feet overall with a maximum speed of 14 knots.

The Coast Guard uses inland buoy tenders to service navigation aids in harbors, lakes, and rivers. It employs small harbor tugs for operations in ports. The 1965 program authorizes the replacement of three obsolete inland tenders and five small harbor tugs.

Vessel augmentation program

In addition to the replacement of certain obsolete Coast Guard vessels the comprehensive vessel plan recommends the addition of a total of 31 vessels by 1975. The 1965 program includes nine of these ships. These include one medium-endurance cutter, seven patrol boats, and one river tender.

The medium-endurance cutter will be assigned primarily to fisheries patrol. In describing the need for this additional vessel, Adm. Edwin J. Rollin, Commandant of the Coast Guard, stated:

"Other missions absorb all our presently available capability for this type of work and in face of the influx of foreign vessels into traditional American fishing grounds it has become more and more urgent to put vessels on patrol in the fishing areas to enforce laws, carry out surveillance in connection with fishing activities, and provide protection for American interests on the fishing grounds."

The seven patrol boats to be constructed will be used for search and rescue purposes and close-in law enforcement work. It is anticipated that the new vessels will be stationed at Etons Neck, N.Y.; Fort Pierce and Fort Myers, Fla.; Port Hueneme, Calif.; Seattle, Wash.; Petersburg, Alaska, and American Samoa. The addition of these steel-hull, small patrol crafts will complete the total requirement for this type of vessel set out in the approved plan of Coast Guard vessel requirements.

The new river tender is programed for use out of St. Joseph, Mo. The servicing of aids to navigation in the upper Missouri River was initially accomplished by the Corps of Engineers on a reimbursable basis. The new tender will permit the Coast Guard to assume this function.

Aircraft replacement program

The Coast Guard's request for authorization to purchase aircraft is based on a 5-year aviation plan. The plan requires both a schedule for replacement and a program for augmentation of the present capabilities. For the 5-year plan, 1962 through 1966, 41 replacements and 65 additional aircraft were recommended.

The replacement program will be completed by the procurement of nine helicopters as proposed by this year's authorization and five during the 1966 fiscal year. The helicopters are a new turbine-powered amphibious type which was first put in service in 1963.

Aircraft augmentation program

Sixty-three of the sixty-five additional aircraft called for by the aviation plan will be helicopters. The Coast Guard has already received appropriations for 17 of the 63. The 1965 program provides for eight additional helicopters. The new helicopters will be assigned as follows: Three to a new station in Detroit, two to Kodiak, Alaska, one to New Orleans, and two to Corpus Christi.

Construction program

This bill would authorize the Coast Guard to proceed with the construction of 15 shore and offshore establishments. These include the replacement of overage lightships at Diamond Shoals and Chesapeake Bay entrance with two offshore light platforms; the construction of mooring facilities for the Missouri River tender; the replacement of the runway at the air station at Elizabeth City, N.C.; the construction of 24 family housing units at Annette Island, Alaska; the establishment of an air detachment at Grosse Pointe, Mich.; the construction of a paint and dope shop at Elizabeth City, N.C.; the improvement of operational and maintenance facilities in San Juan, P.R.; the construction of moorings at Mayport, Fla.; the construction of family housing units at Fort Buchanan, San Juan, P.R.; the replacement of storm damaged facilities at Guam; the replacement of existing mooring facilities at Wilmington, N.C.; the improvement of facilities at Ketchikan, Alaska, and Woods Hole, Mass.; the construction of a fieldhouse at the Academy, New London, Conn.; and the improvement of the runway at Sitkinak, Alaska.

Mr. GRUENING. Mr. President, the U.S. Coast Guard provides the citizens of this Nation with heroic, unwritten 24-hour service as it patrols our coastal waters and strives to keep our fishermen and pleasure boatowners safe. As the Coast Guard works to do this, so must it be ever on the alert to protect our territorial waters against the growing encroaching of foreign fishing vessels.

In the State of Alaska the Coast Guard must patrol thousands of miles of jagged coastline. The job is not easy, but when vessels of other nations venture illegally and unwisely into our waters, it is the duty of the Coast Guard to protect our waters.

Obviously, and I have said this many times, the Coast Guard cannot be expected to do its job unless it is given the tools which are modern.

We read daily of the growth of the fishing fleets of the Soviet Union, of Japan, of Cuba, and other nations. These fleets are modern. So it is appropriate that we authorize a sum which will procure for the Coast Guard vessels and aircraft of the same or better caliber. And it is urgent that we construct shore and offshore establishments equipped to cope with the demands of this age.

The bill reported by the Senate Committee on Commerce by my able friend and colleague, Senator BARTLETT, makes authorization for the following:

Vessels:	
1 high-endurance cutter	$14,000,000
6 medium-endurance cutters	22,500,000
1 coastal tender	2,500,000
3 inland tenders	2,100,000
3 small harbor tugs	795,000
9 small patrol cutters	3,375,000
1 river tender	500,000
Total	45,770,000
Aircraft: 17 helicopters	9,350,000
Construction: Construction of shore and offshore establishments	16,679,000
Total	71,799,000

The total cost for these vessels, aircraft, and shore and offshore establishments is $71,799,000. The investment is small but the return is great.

For example, the seven patrol boats to be constructed will be used for search and rescue purposes and close-in law enforcement work. That work will be done in New York, Florida, California, Washington, Petersburg, Alaska, and American Samoa. And it can be expanded.

The construction program proposed authorizes the Coast Guard to proceed with work in 15 areas, including Annette Island, Ketchikan, and Sitkinak, Alaska.

The historical development of the work of the Coast Guard dates from 1790 when the old Revenue Cutter Service, the Life-saving Service, and Bureau of Marine Inspection and Navigation were amalgamated.

And the function of the Coast Guard today includes the saving and protecting of life and property, maritime law enforcement, the providing of navigational aids to maritime commerce and to trans-oceanic air commerce, the promoting of the efficiency and safety of the American merchant marine, and the readiness for military operations.

The motto of this fine service group is "Semper Paratus," which means "always ready."

That the Coast Guard has brilliantly lived up to its motto even as it has been inadequately equipped cannot be denied. That the Coast Guard will surpass its previous record when it is properly outfitted is inevitable.

I endorse the legislation which will make this possible.

I discussed the plight of the Coast Guard in protecting our coastal waters when I spoke before persons attending the 16th annual session of the Gulf and Caribbean Fisheries Institute held in Miami, Fla., on November 11, 1963.

In that speech I said:

The need for both the penalties and the extension is further demonstrated by actions of the Russian fishing fleet. Soviet vessels have repeatedly, under cover of morning fog, penetrated inside our 3-mile limit. Russian whaling vessels have taken whales well within it and have been observed doing it. When detected by plane, they have often not moved, and only with the approach of our Coast Guard vessels have they moved out. Hitherto they have had nothing to fear. The Coast Guard vessel merely escorts them outside of the 3-mile limit. Actually, if S. 1988 becomes law, we shall need faster vessels because as of now they are not fast enough to catch the Russian ships. I have repeatedly requested the administration to station faster vessels—a destroyer or two—in Alaskan waters to overtake and apprehend such violators. Up to now, we are limited to escorting them outside our waters and then making a protest to the Russian Foreign Office.

The Coast Guard is known by and closer to the people of Alaska than to the people in any other State. We cherish it. Its record of performance has been superb. We must give it the tools it needs to carry on in the face of expanding needs.

U.S. POLICIES ON VIETNAM

Mr. JAVITS. Mr. President, I am glad that the majority leader is in the Chamber. I hoped he would be, so that I could say a word of comment about his statement of yesterday, which is of such great interest to all of us here and to the world, concerning our posture in Vietnam. I believe it is essential that other Senators have a word to say about this very vexing subject in order to develop what in this country we always so proudly consider to be a consensus of the judgment of the people upon it.

While I sympathize deeply with the motives and the feeling which dictated the statement of the Senator from Montana [Mr. MANSFIELD]—widely interpreted as lending some aid and support to the position of President de Gaulle in respect to Vietnam, Laos, Cambodia, and the general situation in southeast Asia, and as bearing importantly on the debate with respect to the continuance of the American presence there—it would be most unhappy and most harmful, in my judgment, if an impression should get abroad that we have lost confidence in the fundamental reason why we are in South Vietnam or in our determination to help the Vietnamese carry on that struggle for freedom, as long as it is humanly possible to carry it on, and that we are looking for some way out; or that the American people require assurances that we are trying to find a way out because they are unhappy about what is taking place in Vietnam and reluctant to continue our assistance.

I do not for a moment believe that any such impression was sought to be created. I speak because I wish to express myself in an affirmative way, not in any negative sense, with respect to the policy which we are pursuing there. Also by expressing what I conceive to be the sentiment of the country, we shall speedily ascertain in editorial comment and in other ways in which our great democracy has a way of expressing itself, what is the sentiment of the country, and thereby generate a good debate on the subject.

A headline in the New York Times today reads: "MANSFIELD Supports Paris Effort in Asia." Senator MANSFIELD will himself in due course, I am sure, say whether that headline is justified or not. Nonetheless, it will, as I say, arouse comment. Therefore I should like to make my contribution to what I consider should be the consensus on this subject.

In the first place, I believe that the American people support the presence of the United States in Vietnam. I believe they recognize the fact that our presence there is important enough to warrant the risks which we are running. I believe that in the great understanding our people have of these grave and difficult problems, they will accept those risks—yes, even accept the casualties—if they believe there is the remotest chance in that way to keep the Communist grip from encompassing Vietnam.

Also, I believe it has been widely considered in this country—perhaps unjustly, but certainly widely considered—that if we adopted the attitude of General de Gaulle in that area, it would represent a diminution in American effort, some lessening in our support, perhaps even a decision to pull out and let the Government of South Vietnam do whatever it pleases.

It seems to me that General de Gaulle's position with respect to this situation is made possible, as General de Gaulle's positions have been made possible in so many other areas of the world, only by the fact that the United States is present and is taking the "rap." If we were not there helping to hold the line against the inundation of South Vietnam by Communists, there would be no room for the lofty preachment by General de Gaulle that somehow the whole area should be negotiated into a neutralized area. It is doubtful whether Prince Norodom Sihanouk and his administration in Cambodia would indulge in the luxury of inviting neutralization, with some hope of success, if the United States were not helping, at tremendous cost and sacrifice both of treasury and of blood, to buttress the whole area of South Vietnam.

Many of us have been terribly dismayed by the shaky position in Laos and the real uncertainty whether, within the proximate future, Communists, notwithstanding any agreement about neutralization and an armistice in terms of conflict, would not then overrun the country.

Let us remember, too, that, what we are dealing with is a Communist giant, nothing else. That Communist giant is the great, overwhelming figure that stands over everything that is happening in Asia today; and Ho Chi Minh, of North Vietnam, is nothing but a creature of Communist China.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. I appreciate the comments which the distinguished Senator from New York has just made. I am sorry I have not been able to follow the full content of his speech, because—as always—I know he makes a distinct contribution.

But I would say that while Communist China is a menacing shadow over all of southeast Asia—and perhaps we could say over south Asia, as well, in view of the aggressive tactics of Communist China some months ago against India—it is my belief that so far as Hanoi—North Vietnam—is concerned, based on the ancient enmity of the Vietnamese people toward China, the relationship between Hanoi and the Soviet Union may well be closer and may prove to be a mitigating factor.

I would point out that so far as General de Gaulle is concerned, to the best of my knowledge he did not indicate that Communist China should be brought into consideration in connection with all of old Indochina, but that his remarks diverged in two directions. One was recognition of Peiping, which I think was a tragic mistake, as I said yesterday; and in that respect I join in the remarks made by the Senator from Minnesota [Mr. HUMPHREY], the Senator from Connecticut [Mr. DODD], the Senator from Ohio [Mr. LAUSCHE], and others in deploring that act. Aside from what the French did on their own responsibility in that respect, and in connection with a government which is acting within those bounds, I was sorry to note that the Government of Formosa broke relations with General de Gaulle, although I understand that, in effect, that was forced by Paris, in an attempt to get away from continued French recognition of Formosa and to make possible French recognition of Peiping. That is an unfortunate situation; and I think the Nationalists by their action took President de Gaulle out of a hole in which he had inadvertently placed himself.

So far as the other divergent view—Indochina—is concerned, I think General de Gaulle, who is a man of great historic perspective, and quite often offers ideas which at least are worth consideration—whether they prove to be right or wrong, only time will tell—is aware of a deepening difficulty in that area; and certainly France, based on 80 years of experience in Laos, Cambodia, and the two Vietnams, is in a position to speak with some degree of authority.

It is true that the United States has 15,500 troops there at the present time, as "advisers." We are faced with a number of choices. We can go ahead and can increase our military commitment and can increase our resource expenditures and can carry the war to North Vietnam, and maybe into Communist China, itself, and be prepared to pay the consequences. I do not think that is the motive behind American thinking. I hope it is not.

Or we can withdraw. I think that would be just as bad a mistake, because then South Vietnam and the rest of southeast Asia would be placed at the mercy of elements connected with the Communist movement.

There may be a third alternative, and it may be the suggestion advanced by De Gaulle—which may be a good one or may be a bad one; at the moment, no one can tell. But if any stability is to be brought

to South Vietnam, it is not going to be done on the basis of coup after coup after coup.

Personally, I deplore what happened to the late President Ngo Diem Dinh, who, in spite of all his faults, I thought was a good man, and who did maintain a degree of civilian control over that government. If he had his way, I think he might in time have achieved a degree of stability which would have redounded to the benefit of his country.

But if we go back to the Geneva Agreement of 1954, to which we were not signatories, we recall that that agreement partitioned Vietnam at the 17th parallel, and also contained a provision that within 2 years thereafter there would be elections, in both North Vietnam and South Vietnam, as to what the future of the country would be.

I do not endorse the election proposal in that Geneva Agreement; but, after all, we did agree—at least, by association—to a line of demarcation of the 17th parallel.

I believe that the stability of South Vietnam must be maintained; and if, for example, there is some way, based on De Gaulle's suggestion, and apart from any consideration of Peiping and recognition of Communist China, that this stability could be given a chance to enhance itself, and if Vietnam could become a more stable nation, then I think the idea, if not the proposal, is at least worth considering.

I repeat that it may be a good idea; it may be a bad idea; it may have some value; it may be worthless. But we have to have something to contrast with the choice between going all the way in or all the way out; and one of the ideas advanced in that area is such a factor as an international patrol which would guarantee a true neutrality and a true territorial integrity which would stop the flow of arms along the Ho Chi Minh trail—or by sea, which is the way they seem to be coming in at the present time—that stability perhaps to be maintained by American troops who are there, and/or perhaps by others of international agencies, so that there would be a type of neutrality based on guarantees—not on words, proposals, or promises.

So I think these statements should be made—even though they have taken a little longer than I anticipated when I asked the distinguished Senator from New York to yield—in order to indicate that a proposal coming from a quarter with which we have had differences, but with which we are still, on the whole, friendly, should not be treated casually, should not be tossed out the window; but if such an idea has merit, it should be given some consideration; and if, after study, we find that it has no merit, then it should be tossed aside.

Mr. JAVITS. Mr. President, no one respects the majority leader more than I do. I have said that many times, and I am sure he knows that.

I rose today only to make clear what I think needs to be made clear even if that does involve a difference with the majority leader.

What I thought needed to be made clear was that the struggle which we are helping to wage in South Vietnam is understandable to the American people, and that they are determined to wage it, and that they will not stop waging it until they see a much better solution than De Gaulle's idea that he will "take care of it", and just "leave it to him." After all, he "took care of it" at Dien Bien Phu, too.

Mr. MANSFIELD. No; he did not, because he was not in power at the time.

Mr. JAVITS. I am speaking about France.

Mr. MANSFIELD. But on the basis of what the distinguished Senator from New York has said, I hope he will keep in mind the other two alternatives—because he is making a distinct contribution, and we have remained silent too long on this subject.

It is all very well for the people to talk about Panama and Cyprus and the difficulties there; but perhaps the most difficult problem at the present time is the one in southeast Asia. On that basis and on the basis of the intelligence the Senator from New York always displays, I think his suggestions will be a service to the country, which is displaying great interest in this most difficult and vexatious problem.

Mr. JAVITS. Mr. President, I am most grateful to the majority leader.

I point out that the minute we begin to talk about neutralization and neutralism, the backbone and the spirit could go out of the action which is being taken in this struggle. No one would intend that or desire it to happen, but such things do happen.

Therefore, I thought it important to emphasize—and to speak these words in the same forum—the determination of the American people, as I view it, to carry on the struggle in Vietnam until there is a far more viable solution.

Mr. President, let us remember that our forces are in South Korea, and have been there for 14 years; that South Korea has not been neutralized; but that, nonetheless, the confrontation between ourselves and the Communist Chinese in South Korea has been a very restraining influence upon the Communist Chinese, and will continue to be for a very long time to come.

Let us remember also in respect of Communist China that her incursion against India, her deals with Pakistan, the taking of Tibet, and her assaults, which for the moment have ceased, on Taiwan, certainly are not reassuring in terms of the intentions of Communist China, which I believe are very clear—to dominate the whole of the Asian Continent.

With all due respect to the Senator from Montana, I believe he assumes far too much when he assumes that the relations between Ho Chi Minh and Moscow are better than the relations between Ho Chi Minh and Mao Tse-tung. I believe there are many proverbs, both Eastern and Western, to the effect that the tiger at the door is much more important than the tiger in the forest.

It is inconceivable to me, and to most Americans, that Ho Chi Minh could be carrying on this guerrilla war throughout South Vietnam and Cambodia and into Laos without the friendship, support, and alliance of the Communist Chinese, who are on his doorstep, and without whom he could not survive for 20 minutes.

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

Mr. JAVITS. I yield.

Mr. MANSFIELD. If the Senator will go back over his history, he will recall that the enmity between Vietnam, and the Chinese to the north goes back well over 1,000 years. Much of Vietnam, and almost all of southeast Asia, were either tributary to or vassal kingdoms of the Chinese emperors.

There is an inherent fear on the part of all Vietnamese because of the nearness of China; and there is, I believe, testimony to the effect that even in recent weeks there have been exchanges of missions between Moscow and Hanoi by means of which North Vietnamese groups went to Moscow for the purpose of seeking assistance from the Soviet Union.

The Senator will recall that when the activities in Laos were being carried on by the Pathet Lao, it was not the Communist Chinese who were sending down the supplies by sea from Vladivostok and elsewhere on the Siberian coast, but it was the Soviet Union which was sending down those supplies to Haiphong, the port for Hanoi, and from there sent overland into Laos and were taken over by the Pathet Lao.

There have been no indications, I admit, that in recent months there have been any Soviet airlifts or Soviet sea trips from Vladivostok or any other ports to Hanoi. But I still think that basically the friendship is toward Moscow, and basically the enmity on the part of the Vietnamese, North and South, is still directed toward Peiping.

Mr. JAVITS. Mr. President, I would not wish to be distracted from the main scene by what is a sideshow. We all know that the Poles and the Finns hate the Russians, too. Nevertheless, those people do the bidding of the Russians because they have no other choice. Be that as it may, the end point is as follows: If North Vietnam should be able to overrun South Vietnam, and thus destroy the whole position in south and southeast Asia, she would be doing an inestimable service to Communist China. That is all I am speaking about.

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

Mr. JAVITS. I yield.

Mr. MANSFIELD. Who has indicated that North Vietnam would seek to overrun South Vietnam? Who has brought out any indication that General Giap, an able soldier, has ever used his troops on that basis to penetrate into North Vietnam? It may be that elements of the North Vietnamese Army have penetrated into South Vietnam. I do not know.

But south of Saigon, in the Mekong Delta, there are a number of Communist Vietcong elements which do not seem to be decreasing in number, and which have been most effective in fighting the Vietnamese Army in that particular area. Of course, circumstances—geography and terrain—are on their side, as was the case in the Red River Delta outside of Hanoi when the French

were in control and tried to subjugate that area. They were unsuccessful.

The point is as follows: To the best of my knowledge, only irregular elements have been coming into South Vietnam. Perhaps certain elements of the North Vietnamese Army have also come in. Again, I do not know for certain the facts in this matter.

Mr. JAVITS. The Senator from New York has certainly not charged that which he knows nothing about as to the regular elements of the North Vietnamese Army. But it is very clear—and upon this point the Senator from New York has received ample confirmation—that the lines of supply and the base of support for what is going on in South Vietnam are in North Vietnam.

When things really became hot, as they did at one time in the northern provinces, the Communist elements moved over into North Vietman for rest, reequipment, and supply. Without that base, the whole operation of the Communists in South Vietnam would be untenable. We well know Communist technique in these wars of so-called national liberation which are fought in precisely that way. We also know that if the Communists should take over in South Vietnam, it would be as effective, from the point of view of the free world, in that there would be another Communist state which would play freely with North Vietnam and Communist China. That is the only point I am making.

I do not desire to be diverted from my main point. I believe the American people support what is being done in South Vietnam. I do not believe that the American people are in any mood to back away from it. If they are, they should not be, because though we are suffering casualties and running grave risks, the alternatives are far more dire. Let us remember that even a great nation must suffer casualties currently in order to avoid even greater casualties later. The present position in south and southeast Asia—representing still a rampart against the absolutely uncontrolled expansion of Communist China, which preaches to all its people that its ultimate aim is the destruction not only of the free world, but specifically the United States of America and its people—it seems to me is only insurance against a future which seems so foreboding in terms of the intentions at the moment which Communist China declared and reiterated for so very long.

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

Mr. JAVITS. Not yet. I shall yield in a moment. My only purpose in speaking is that on the one hand we are told that we should have a completely open mind about this area, that we should consider President de Gaulle's suggestions—and I assume those of anyone else—and also that we should be searching for new methods, new techniques, and new ways of dealing with the problem. I believe it is also important to reiterate our fortitude and determination to stay in South Vietnam and do the job, though it is costly and difficult. We should reiterate our determination to try to find a viable, freely elected government for South Vietnam, pursuing very much the same policy that we have pursued, notwithstanding reverses, in South Korea, and for the very same reasons. I merely reiterate that. I believe it is extremely important. I do not think there should be any sapping or lessening of the morale of the American people, nor do I believe that the Pentagon should be doubtful of the fortitude of the American people, or that there must be a promise that we will not pull out or they will not stick it out. That was the mistake made after World War II that was so costly to us in terms of the rise of the Communist power in Europe. It resulted in nothing but losses; and we are still licking our wounds today. We do not wish to repeat that experience in southeast Asia.

It is not necessary to have a repetition of the debate about morale, as we did with General MacArthur. It is not necessary for a determination that we must wipe out the northern base for this operation in South Vietnam. Sufficient unto the day is the work thereof.

All that must be reiterated now is that we know what we are doing. We will continue to do it. It is worth doing. No one in the Pentagon or in the Senate need have the "jitters" about it. It is high time that some people understand that the American people are adults. They understand that in order to make an omelet, some eggs must be broken.

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

Mr. JAVITS. Not yet. A little later.

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

Mr. JAVITS. I should first like to finish my thought.

Mr. MANSFIELD. The Senator has used a word which I believe needs correction.

Mr. JAVITS. If the Senator would permit me to finish, I should be glad to withdraw the word "jitters."

Mr. MANSFIELD. Very well.

Mr. JAVITS. I wish to speak in the affirmative. I love the majority leader too much to be critical. I mean that in every way. I wish to speak only in the affirmative. I think there must be cojoined with whatever he has said and whatever Secretary McNamara has said about the fact that we will bring people back from Vietnam a reiteration of the American determination to do what we are doing, even though it involves losses, to persist in doing what we are doing, to undertake our commitment and to carry it through, because it is worthwhile, and because the alternatives are greater losses, both in national terms and in terms of killed and wounded and the expenditure of treasure.

That is all that needs to be said about it. If we have both understandings, certainly the United States should always keep an open mind. I am sure the majority leader, and others, as well as I, am for our experts in the State Department and others using their ingenuity to see if they cannot come forward with a better line of policy. I have heard people raise some questions, but I think we are convinced that what we are doing is necessary and that no pullout is necessary in order to placate a feeling by some American people that we are doing the wrong thing. On the contrary, it is the right thing, and I think we must continue to do it in the national interest and in the interest of the American people.

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

Mr. JAVITS. I yield.

Mr. GRUENING. I understand the Senator made a comparison of the United States long sojourn of 14 years in South Korea with the situation in South Vietnam. Has the Senator noted the marked difference in the attitude of the South Koreans from that of the South Vietnamese? The South Koreans were opposed to the Communists. They fought bravely and incurred many losses. The United States went in there to help those who wanted to help themselves. There seems to be a lack of will on the part of the South Vietnamese to wage a fight against the Communists. It contrasts with the will to fight of the Koreans. That is the basis of our difficulty in Vietnam. The Vietnamese show no great enthusiasm for being saved. That is why our performance there has not been as successful as it should have been. Will the Senator comment on that point?

Mr. JAVITS. Yes. On the first point, I would prefer not to say that the South Vietnamese have not been willing to fight. On occasion they have shown a great intrepidity and have sustained great losses, both civilian and military. It seems to me the problem has been one of government stability and the question of whether the government has had the interests of the people at heart, which has been a blow to morale. Nevertheless, I would not try to draw a precise comparison between the South Koreans and the South Vietnamese.

I was only pointing out that we have had military programs in a dangerous spot for a long period of time, and, notwithstanding the dangers and losses, the policy has paid off, because the Communist forces have been restrained in that area of the world for a very considerable time. I was only making the analogy that we cannot look at these problems in terms of short swings. We must take the longer swings into consideration. That was the only comparison I was making.

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

Mr. JAVITS. I yield.

Mr. GRUENING. Does the Senator think that if our action in South Vietnam is not more successful than it appears to have been, we should go in there with greater strength, more manpower, and more equipment and win the war for the South Vietnamese?

Mr. JAVITS. I think I have made my views on that point very clear—that we ought to continue doing what we are doing. I am not sitting in the Pentagon and judging the strategic and tactical necessities. If I could write a one-line directive, I think it would be that we should do what we are doing. We should continue with our "instruction" in that area, and support it with highly technical assistance, and also incur the danger which is involved, which is a

help to the morale of the Vietnamese, and do our utmost to bring about a freely elected government there.

I cannot say to the Senator that I would send in a new group of instructors, or take out an old group, or increase the number from 15,500 to 16,500, or reduce it to 14,500. I do not know. That is why I have said we should continue to do what we have been doing; that the effort is worthwhile, and that the American people are backing it up, or should be; and that we should determine to cojoin our ideas, as was done in the debate engaged in yesterday, in looking at De Gaulle's neutralist ideas, and thinking of other ways to deal with the problems.

I had feared that unless our ideas were cojoined, the result might be to lead people to feel that the United States was looking for a way out.

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

Mr. JAVITS. I yield.

Mr. GRUENING. I agree with the Senator that there should be an open mind, but I do not think anyone can state with any degree of assurance that our policy and performance in Vietnam to date have been successful. We have been in there for a long time and we have lost substantially, both in American lives, and in southeast Asia over four billion dollars in money. We are now spending at the rate of a million dollars a day. Will the Senator admit that if this situation continues much further without success, we should have an alternative? Does the Senator think that if we continue in this way we should go into that area with larger forces and see if we can win the war, instead of having a stalemate, which would go on and on with loss of American lives and substance?

Mr. JAVITS. As to the increase in forces, I think I have answered that point by saying I would continue to do what we have been doing. At least we have outlined an objective and have learned what is required to carry out that objective.

With respect to the success or lack of it, I certainly am no apologist for the administration. However, South Vietnam has not been taken over by the Communists. If that took place, it would be a disastrous rout for us. That has not happened. I do not want it to happen.

I would certainly rather have that situation than the alternative. I am sure that the Senator from Montana, as well as I, and the rest of us, would want to guard against it. That is the purpose of my making this statement. When one gives tongue to an idea, one can interest others in it, and perhaps arrive at a consensus, just as we should look at all problems with fairness, with open eyes, and try to decide on our own. But that is no "flap" for pulling out of Vietnam because certain people have determined that we should not pursue what we have been doing. That is all I have been trying to say today.

Mr. GRUENING. I thank the Senator.

Mr. JAVITS. I thank the Senator, and also the majority leader, for their kind contributions.

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

Mr. JAVITS. I yield.

Mr. PROUTY. The Senator from New York has rendered a signal service to the country by a logical analysis of the situation in South Vietnam. What really concerns the top military personnel in the Pentagon is the fact that measures are not being taken which would enable them to win the war with Vietnam. I think that concerns our officials. I commend the Senator from New York.

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

Mr. JAVITS. I yield.

Mr. MANSFIELD. The discussion which has taken place this afternoon has broken a long silence on affairs in Vietnam. The distinguished Senator from New York has performed a service.

I know he agrees with me when I say the answer is not an increase in forces or resources, to carry the war into North Vietnam or, for that matter, possibly into Communist China itself. I know he agrees with me that the answer is not a withdrawal of the American forces in South Vietnam at the present time. But if he agrees with me in those two respects, I believe we should keep an open mind to consider other possibilities. While we may disagree with a man of the stature of General de Gaulle from time to time—and I do, most certainly—nevertheless, I have a great respect for him because I believe he is doing for his country that which France, by and large, wishes him to do. When he does these things, he sometimes comes into disagreement with his allies; but that is his responsibility, just as what we do is our responsibility.

The mere fact that he advanced the idea covering the old associated states of French Indochina does not necessarily mean that our reaction should be to treat it in a casual way or to pay no attention to it.

I believe an open mind is a good thing. I believe discussions concerning a most difficult part of the world in which we are heavily involved are worthwhile. I believe that so far as Vietnam is concerned, it is just as important as Cuba, even though one is 10,000 miles away and the other is only 90 miles from our shores.

I point out that late news stories are to the effect that no more dependents would go to Guantanamo, and that those who are there would be brought home when their regular tours of duty were over, if not before. Perhaps we have too many dependents in South Vietnam. Perhaps a conflict of interest exists because of this fact. But I point out, if my understanding is correct, that what we have sent to South Vietnam are probably the best we have in the way of fighting men, that they are the elite of the various services, and that they all volunteered for that hazardous duty. But there is no reason why discussion should not occur. There is no reason why debate and differences on the floor of the Senate should not be stated because ways and means will have to be found not only in South Vietnam, but elsewhere throughout the world, to face the changes which occur and to try to do our best as the leader of the free world, as the Nation charged with the primary responsibility, in my opinion, in too many areas of the world, to find different answers and to face different changes in different times.

Mr. JAVITS. As to my answers in agreement or disagreement with respect to the basic posture of the Senator from Montana, I have already expressed my views in my address, and I shall let those answers stand as answers to those questions.

As to General de Gaulle, I too, have great respect for him. He was a great hero during the war. He is a great hero to his people. I deeply believe, however, that General de Gaulle could not be doing what he is doing for France unless we were around to do what we are doing for the free world, and that so long as this is a rather free ride, we had better be wary of how we operate in taking these grand suggestions.

That is the only thing I stressed in my speech—that we had better not be distracted from persevering in the basic policy in relation to the free world, and that our people, in my judgment, should support it.

That was the reason for my speaking today. I agree with the Senator from Montana that the airing of this issue is valuable.

I believe that he and I made somewhat similar speeches in regard to Berlin. The Senator from Montana first authored the suggestion with respect to some possible change or consideration of a change in the status of Berlin. He took up the issue in much the same way I am doing today, in order, if possible, to reach a consensus. I believe the Senator from Connecticut [Mr. DODD] participated in this debate, along with many other Senators. The result was a better consciousness in the United States of its policy and determination as to how to pursue it to the best effect.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield at that point?

Mr. JAVITS. I yield.

Mr. MANSFIELD. There was a change which resulted in the wall being created between East and West Berlin, instead of a unified Berlin, a Berlin to be the future capital of a unified Germany.

Mr. JAVITS. I do not wish to raise that problem again, but it was my view that the result might have been extremely dangerous to the continued presence in Berlin of the allies. At the time, the Russians could easily have taken over Berlin and made of it the capital of East Germany. In any case, the decision could have gone either way, in my judgment, but I believe that our debate upon the subject or consideration of the subject is helpful to the country, as I hope this one will be.

Mr. MANSFIELD. Speaking of Berlin, this is one area in the world where the U.S. Government is in effect begging the Soviet authorities and the Soviet troops to remain, because we do not wish to displace them by East Germans.

Mr. JAVITS. Mr. President, that is a subject which I shall be glad to discuss at some other time; but right now I believe we had better keep our eyes fastened on the Vietnamese ball, which is serious enough.

Mr. MANSFIELD. It is always a pleasure and a privilege to have the opportunity to debate and discuss issues, both foreign and domestic, with the distinguished Senator from New York.

Mr. JAVITS. I am grateful to the Senator for those remarks. I am pleased at his reference to me. He knows full well that I deeply feel the same way about him.

INTER-AMERICAN COMMITTEE ON THE ALLIANCE FOR PROGRESS

Mr. JAVITS. Mr. President, I should like to comment for just a few moments on what I believe to be a significant new development in the Alliance for Progress. As my friends in the Senate know, I have had a long and intense interest in the problems and opportunities in the countries closest to us. I recently returned from Europe, where I believe we made considerable progress in harnessing new resources from private sources for Latin American development through the organization I had the honor to cosponsor known as ADELA.

There is no question in my mind that what the Alliance for Progress has been lacking is multilateralism. It has been too much an American show. This is why I have been so interested in getting more European participation in the program.

Now, the Latin American countries and the United States have taken another step forward in the inevitable process of making this a true alliance, rather than merely another foreign aid program. The 20 member nations have established a small, 7-nation committee, to be headed by a distinguished Latin American chairman, Carlos Senz de Santamaria, Finance Minister of Colombia, which can convert this program from a relationship of rich uncle and poor relatives to one of free and equal partners. The new group is designed to involve our Latin American friends in the appraisal of each other's progress and performance under the criteria of the Charter of Punta del Este, instead of having this job performed by the United States. That way, it is more likely that judgments will be accepted in good grace rather than resented as dictation.

The new group is also charged with making recommendations, based on the joint appraisals and analyses, on the resources each Latin American country should generate for its development, and on the distribution of funds that become available from abroad.

The European Economic Community, the Organization for Economic Cooperation and Development, and nongovernmental organizations are invited to join the CIAP's meetings. This is, of course, in addition to the Inter-American Development Bank and other hemispheric organizations with an obvious and direct interest in the progress of the Alliance.

I believe this is a most healthy development. Only by involving all member countries in the policymaking and coordinating work on a permanent basis will this become a true Alliance. Only by doing everything to draw other industrialized countries, especially those of Western Europe and Japan, into the Latin American development programs shall we succeed in generating the resources needed for the gigantic task we have set ourselves in this hemisphere. I hope that this new organization will so operate in carrying out its responsibility that this Government, in making available U.S. funds, will be able to rely heavily on their recommendations.

Finally, only through such deep and constant involvement with us and the West European countries will our Latin American friends come to fully realize the need to provide greater opportunities for private enterprise to do its share in the development process.

The new multilateral group is indeed a welcome step forward. It will provide a forum not only for the 20 Alliance members to weld themselves into a genuine team of builders. It will also be a useful means to attract others outside the hemisphere, and to galvanize private enterprise where contributions are indispensable for developing Latin America.

I hope that we will give the new group all the support it needs. I am confident that Ted Moscoso, who will represent us in it, and for whose ability and dedication I have the highest respect, is the best man we could have picked to give it that support.

I ask unanimous consent to have printed in the RECORD an editorial published in the New York Times of February 2, entitled "New Life in the Alliance."

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

NEW LIFE FOR THE ALLIANCE

The Inter-American Committee for the Alliance for Progress has been elected and will soon be starting work. All of Latin America will watch to see whether the Alliance will, in truth as well as in theory, become a hemispheric program run by all the nations and not just by the United States.

A distinguished Latin American—Carlos Sanz de Santamaria—has been elected chairman. He is a good choice because of his caliber, his familiarity with the United States and Brazil, where he served as Ambassador, and his popularity. Mr. Santamaria evidently received some assurances that he would be able to exercise genuine authority before he accepted the post.

Much of the criticism leveled against the Alliance for Progress by Latin America has been that it is simply an instrument of U.S. politics. Unhappily, the program has been treated as such by Congress and on occasions by the State Department. When Washington wanted to punish the Dominican military junta which staged a coup last September, the Kennedy administration unilaterally stopped Alliance aid and withdrew all Alliance personnel from the Dominican Republic. The same thing seems to be happening now in the case of Panama.

The idea for the new committee, known as ICAP, was first put forward by two South American statesmen, the Brazilian Kubitschek and the Colombian Lleras Camargo. At the second annual review of the Alliance in São Paulo in November, the size and composition of the committee were agreed upon.

Since then President Johnson has overhauled his Latin-American staff at the State Department and White House, putting diplomatic, economic and Alliance affairs under Thomas Mann, who has a difficult and delicate task. He must satisfy Congress, which cut foreign aid funds so brutally; he must arrange to give the United States its due role, which has to be a very big one; and he must satisfy the Latin Americans that the Alliance for Progress really is an alliance of all active members of the Organization of American States.

Mr. JAVITS. Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. PROUTY. Mr. President, I believe the minority leader wishes to be recognized at this point, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR RECESS UNTIL 12 O'CLOCK NOON TOMORROW—READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 o'clock noon tomorrow.

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

Mr. MANSFIELD. For the information of the Senate, I wish to state that the distinguished Senator from Maine [Mr. MUSKIE] will read Washington's Farewell Address shortly after the Senate convenes tomorrow.

CIVIL RIGHTS LEGISLATION

Mr. HART. Mr. President, some weeks ago I received a letter, eloquent in its simplicity, signed by the members of homeroom 15 of the Condon Junior High School in Detroit, Mich. The students wrote to tell me the reasons as they see them for action by Congress on civil rights legislation.

Sometimes the straightforward statements of young people viewing the world they live in are far more impressive and persuasive than speeches made here on this floor, and for that reason I ask unanimous consent that this thoughtful letter from students at the Condon Junior High School in Detroit be printed at this point in my remarks.

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

DETROIT, MICH.,
January 13, 1964.

DEAR SENATOR HART: We are very sorry about the former President's death. He was so concerned with the civil rights bill; and would have like to have seen it pass. We

feel that the civil rights bill should be past in the remembering of President Kennedy.

So the Condon Junior High School put down some facts why the bill should pass.

1. In war all races fight side by side.
2. We feel all people should be allowed in any public place.
3. All races should be able to vote in any part of the United States.
4. Students ought to be allowed in any school.
5. A person should not be turned down in a job because of race.
6. A person should live where he wants to live.
7. All persons should be allowed to use public transportation.
8. All persons should get the same pay for the same work.
9. People should be protected from bombing, shooting and other forms of hurt by racial hatred.
10. People ought to be allowed to worship in any church they want.
11. Any race ought to be allowed to walk down the street without being criticized because of their race. We hope the bill will pass.

Sincerely yours,

Condon Junior High Homeroom 15: William Winiarski, Charlie Chisholm, Stephanie Stevenson, Charlene Tomlinson, Samuel Thompson, Brenda Flemons, David Hill, Nathaniel Black, Ernestine Griffin, Ronnie Berry, Sammie Jo Anding, Larry Clemons, Yvonne Lawrence, Kenneth Robinson, Ernestine Elam, Clarence Perkins, Doris Goldsmith, Lyonel Davis, Lucille Diane Shaw, James Sims, LaVerne Cheatham, Freddie M. Taylor, Jacqueline Howell, Marvin Lee, Nell Rose Brooks, Jean Kildy, Douglas Mitchell, Gail Puckett, Allen Peery, Carolyn Moore, Aaron Rials, Jr., Marlene Pearl Robertson, Gregory Fountain, Lancine D. Martin, Franklin D. Carter, Sherrie A. Johnson.

SCIENTISTS MELNICK AT BAYLOR COLLEGE OF MEDICINE MAKE PROGRESS IN WAR ON CANCER

Mr. YARBOROUGH. Mr. President, the battle against the deadly ravages of cancer goes on daily in scientific laboratories all over the country. Our ablest researchers are making every effort to discover the causes of this malignant disease which takes so many human lives every hour of the day.

Scientists have turned their attention to the virus for possible clues in their search for eventual control of cancer. One of the leading figures in this field, a scientist with an international reputation, who played an important role in the development of the polio vaccine, is associated with Baylor University in Houston, Tex. He is Dr. Joseph L. Melnick, chairman of the Department of Virology of Baylor's College of Medicine.

This week Dr. Melnick presented to a symposium in New York City the results of recent studies which hold out hope of an important breakthrough in the role of viruses in cancer. Dr. Melnick was assisted in these researches by his wife, Dr. Hatilda Benyesh-Melnick, who has achieved an independent reputation for her own studies. They are one of the few scientific couples who work side by side in the same laboratory. They are an excellent example of the tireless men and women who spend their lives in selfless dedication to humanity. Texas is proud to have them on the staff of one of its finest universities.

Excellent articles describing recent developments in their researches, as announced this week, have been printed in the New York Times and the Wall Street Journal of Tuesday, February 4. I ask unanimous consent that they be included in the RECORD.

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

[From the New York Times, Feb. 4, 1964]

PARTICLES SIMILAR TO VIRUSES ARE FOUND IN THE BLOOD OF LEUKEMIA PATIENTS

(By Robert K. Plumb)

The discovery of particles that look like viruses in the blood of children who have leukemia was reported here yesterday at a symposium on virology.

The medical scientist who made the report, Dr. Joseph L. Melnick, of the Baylor College of Medicine in Houston, declined to say flatly that his team had proved for the first time the presence of viruses in association with human cancer.

Leukemia is a form of cancer. Particles that look like viruses have been previously found in the blood of leukemia patients but have never been positively identified as viruses.

During recent years, it has become widely believed that viruses and cancer are associated. The list of viruses capable of producing cancer in animals grows almost daily.

It is known that viruses that commonly infect man can produce cancer in laboratory animals. The list includes the adenovirus, popova, and pox virus groups. But the role of viruses in human cancer remains undefined.

A difficulty is that the causative viruses may disappear after cancer develops and become "masked" or "hidden." There has been no laboratory technique for demonstrating the presence of these hidden viruses.

Associated with Dr. Melnick in new studies at Baylor were his wife, Dr. Matilda Benyesh-Melnick, Dr. Kendall Smith, and Dr. Donald Fernbach. As a model for their research they took a well-studied situation in which virus-caused leukemia occurred in fowl.

The particles the group found have been studied by an electron microscope so that physicians with an ordinary light microscope can make blood counts.

The strange particles appear to belong to a class of viruses known as the myxoviruses. About a hundred children with leukemia and children without leukemia have been studied at Baylor. The particles were found in 0 to 90 percent of the leukemic children and in fewer than 10 percent of the children without leukemia.

The group took tissue from leukemia patients and grew it to determine whether cells from the tissue would develop changes characteristic of viral infection.

In the case of leukemia and a disease called infectious mononucleosis, cultures grown out of bone marrow of children transformed spontaneously into a cell-type characteristic of leukemia.

In addition, the same kind of particle present in the blood of the patients was found in the culture fluids. The group took this to be a demonstration of their virus-like character.

Strangely, the same particles, and their ability to appear in transformed bone marrow cultures, were found in children with infectious mononucleosis.

Dr. Melnick and his associates believe they have demonstrated some similarity between leukemia and infectious mononucleosis. They have adopted as a working hypothesis the idea that, in infectious mononucleosis, antibodies are produced that in time stop the disease process. In leukemia, they believe, no antibody production occurs, and the disease progresses until the patient dies.

If a virus is shown to be the cause of leukemia, the agent might be used to produce a vaccine against leukemia, just as vaccines are used to protect against other virus diseases.

The virus symposium, held here at the Barbizon Plaza Hotel, is one of a series on virology held every 2 years by the Gustav Stern Foundation.

[From the Wall Street Journal, Feb. 4, 1964]

SCIENTISTS DISCOVER VIRUSLIKE PARTICLES IN BLOOD THAT MAY BE CAUSE OF LEUKEMIA

NEW YORK.—Scientists may have uncovered another important clue indicating viruses as a cause of the childhood type of blood cancer, leukemia.

A Houston research team, using a new technique of viewing and counting viruses, said they found large quantities of viruslike particles in the blood of about 80 percent of leukemic children studied. Similar viruslike particles were found in the blood of only about 10 percent of normal children checked in the study. The viruslike particles also were found in test tubes containing bone marrow cells from leukemic children. Bone marrow is involved in the manufacture of blood cells.

The researchers said they aren't yet positive that the particles are actually viruses. But as a result of their research and similar research findings at the National Cancer Institute in Bethesda, Md., a project will be launched by several other groups to inoculate newborn baboons and monkeys with the particles. This will be a test to discover if the particles could cause leukemia or some similar disease in the animals.

Scientists in the past few years have grown increasingly suspicious that leukemia, as well as some other cancers, might be caused by viruses. This suspicion centers mainly on the acute, childhood type of leukemia, which is usually fatal within a few months; another type, chronic leukemia, usually occurs in adults and can last for years.

Most of the evidence in the recent studies shows that the submicroscopic germs can cause leukemia in animals such as fowl and mice.

PREVENTION, TREATMENT POSSIBILITIES

So far, researchers have been unable to find evidence of a virus in human leukemia or other cancer cells. Such a discovery, however, would open up the possibility of finding a preventive or treatment of some type. Vaccines, for example, are made of killed or weakened viruses that, when injected, stimulate the body to build up an immunity to the particular disease caused by the viruses.

The finding in Houston was reported here by Dr. Joseph L. Melnick of Baylor University College of Medicine in Houston. The report, made before a meeting of virologists sponsored by the Gustav Stern Foundation, covered research by Dr. Melnick, his wife, Dr. Matilda Benyesh-Melnick, and Drs. Kendall Smith and Donald Fernbach.

Using a new technique to count viruses, the group looked at blood plasma taken from 24 children with leukemia. Examining the blood under a powerful electron microscope, they conuted large quantities of viruslike particles in blood from 19 of the children. They then looked at blood from 40 normal children and were able to find quantities of the virus particle in the blood of only 4 children.

In a related experiment, they grew bone marrow cells, taken from leukemic children, in the test tube. The bone marrow cells were chosen because the bone marrow is involved in leukemia, a disease in which a large quantity of cancerous white blood cells is produced.

In the test tube, the bone marrow cells produced cells similar to that seen in leukemia. When the researchers examined the fluid in which the bone marrow cells were grown, they found the viruslike particles. Under an electron microscope the viruslike particles appear physically similar to viruses known to cause leukemia in fowl, Dr. Melnick explained.

COOPERATIVE STUDY PLANNED

Dr. Melnick said the group couldn't say for certain that the particles they see are viruses. He also noted that whether the viruslike particles could cause disease would have to await further research. In an interview later, however, Dr. Melnick said that research at the National Cancer Institute, part of the U.S. Public Health Service, was turning up similar findings. As a result, the cooperative study among several groups would get underway with newborn baboons and monkeys to find out if the particles have disease-causing capacity. If it turns out that the animals after receiving the particles develop leukemia or some similar condition, it would mean "we're on the right track," he explained.

In the Houston study, Dr. Melnick said the group unexpectedly discovered that the blood from persons suffering infectious mononucleosis, sometimes called "kissing disease," also contained large quantities of the viruslike particles similar to those seen in the blood of leukemic children. The significance isn't certain, but Dr. Melnick noted that infectious mononucleosis, also, is a disease involving alteration of the blood. The germ that causes the disease has never been discovered.

The researcher said one tentative theory might be that both leukemia and infectious mononucleosis are caused by the same family of viruses.

Dr. Melnick's report was made primarily to describe the value of the new virus counting method. He noted there are apparently many virus diseases in which there are no known chemical or biological methods of detecting the viruses. These hidden virus diseases, he said, appear to include leukemia and infectious mononucleosis. The method of physically counting viruses holds promise in detecting possible disease-causing viruses for further experiments. "If such methods prove successful, the term 'hidden viruses' might no longer apply to human leukemia and infectious mononucleosis," he said.

NATO AND CRISIS

I. INTRODUCTION

Mr. PROUTY. Mr. President, for a number of years now the North Atlantic Alliance has been divided within itself. That division has been noted by virtually all competent commentators on the European scene. It has been the subject of speeches and international debates between heads of government, defense and foreign ministers, civil servants, and parliamentarians. No person who considers himself informed on world events can be unaware of it.

This division arises essentially over the question of military strategy. But it is compounded by conflicting economic policies and alinements, by differing political goals, and so forth. These factors are all mutually interacting, with the result that a difference in any one of them may have adverse ramifications for NATO. Since the divisions within NATO are presently serious, and since they often involve views and interests of the members which, strictly speaking, may not be NATO's concern but nevertheless affect the relations between NATO members, many commentators have referred to a crisis within NATO. This term may be too strong, if a crisis is thought of as a flash-point threatening to disintegrate NATO at one stroke, but may not be too strong if one contemplates the serious breach that has developed within NATO over the past few years.

II. THE MILITARY ASPECT

The differences within NATO over military strategy are actually a product of the revolution in weaponry, and the changing military environment which that revolution has produced. American strategic thinking has undergone something resembling a total reversal over the past 3 years, although certain of its elements have remained consistent for roughly a decade. This changing thinking has clashed with European conceptions, most specifically with the politicomilitary aims of President de Gaulle. Indeed, although rival French and American strategic concepts have been highlighted since 1961, it is probably safe to say that this rivalry began with General de Gaulle's advent to power in 1958, although France actually inaugurated her drive for a nuclear capability even earlier.

At its inception, NATO's strategy was essentially simple. It was based on America's monopoly of the atomic bomb and the means to deliver it. Assuming a Soviet attack in Europe, it called for conventional forces to fight a holding action, while the finishing blow to the Soviet's home base was struck by American strategic airpower. When it proved difficult to raise the ground forces originally envisioned, NATO's force goals were trimmed, and the concept of the tripwire was elaborated. Under it, NATO's ground forces were to act as little more than a screen to determine the weight and character of a Soviet attack. If such an attack proved genuine, nuclear retaliation was to be immediate. Mr. Dulles applied the concept of retaliation to any attack on the recipient of an American guarantee. There could be no question of meeting such an attack with conventional forces. Instead, we would retaliate massively with our nuclear weapons. It is obvious that American strategy in this period, then, whether applied to Europe or other areas of the world, relied on our nuclear primacy.

This strategy of retaliation was admirably suited to protect Europe against a large-scale Soviet ground attack, so long as the United States maintained sole possession of nuclear power. In addition, it dovetailed neatly with Europe's order of priorities, for it permitted economic reconstruction behind America's nuclear shield. But when the Soviet Union began to develop its own nuclear and thermonuclear capability, the strategy began to be questioned. For one thing, it was realized that tactical nuclear weapons would not necessarily make up for the difference in manpower between Soviet and NATO forces. Assuming that the Soviet Union also developed tactical nuclear weapons, any Soviet attack would inflict huge casualties on NATO's forces, even if sustaining heavy casualties itself. NATO's slim reserves would be quickly depleted. Hence the tripwire theory diminished in acceptability as it seemed that the retaliatory strategy might require more, rather than fewer, ground troops.

The result was a shift in emphasis from the defensive to the deterrent value of nuclear weapons, accompanied by an undercurrent which began to question the credibility of any tactical nuclear response—Osgood, Robert E. "NATO: Problems of Security and Collaboration." American Political Science Review, March 1960, pp. 119–120. All of this was prior to the advent of missiles. The appearance of IRBM's may not have altered the essential strategic picture, but certainly that of ICBM's—the Intercontinental Ballistic Missiles—did. The new factor in the equation was the tremendously increased risk of massive destruction to the continental United States. There had always been the risk of considerable devastation to this country once the Soviet Union acquired a nuclear capability, and built up a bomber force with the capacity to deliver a nuclear attack. But the development of ICBM's meant that large-scale destruction within the United States was a virtual certainty in the event of nuclear attack. According to some estimates, that devastation might mean the death of half our population and the destruction of three-fourths of our cities—Gallois, Pierre M. "U.S. Strategy and the Defense of Europe." Orbis, Summer 1963, p. 228. If America had not been completely out of reach before, it was now in the front lines.

This consideration began to play an increasing role in American strategic thinking. During the latter part of the 1950's a number of writers and political opponents of the Eisenhower administration began to criticize our dependance on nuclear retaliation, asserting that we thereby committed ourselves to a course of action where even minor intrusions might eventuate in all-out nuclear war. They argued that nuclear retaliation was not necessarily appropriate as a response to the great variety of provocations which the Communists might employ. Furthermore, the Soviet Union might not regard such retaliation as credible, and hence would continue to nibble at our flanks. What the United States needed was the ability to meet something less than all-out nuclear attack with something less than an all-out response. Otherwise we might risk an unnecessary nuclear exchange, with all of its destructive consequences.

When the Kennedy administration assumed power in January of 1961 it put into effect this strategy of options and flexible response. It exhorted our NATO allies to increase their contributions to NATO's conventional forces, not only to enforce a pause in Europe during which the United States might consider its options, but also to help ease the U.S. balance-of-payments problem. Europe had heard these exhortations before, ever since the inception of NATO in fact, but had done little to satisfy them. Now, however, European suspicions were aroused. They wondered whether the United States was not asking them to bear the brunt of a conventional war without guaranteeing to come to their

assistance. Once the nuclear guarantee was suspect, it was just one step to the demand for an independent nuclear deterrent. The course that General de Gaulle has followed appeals to those within the NATO countries who hold this view.

The idea of independent deterrence is looked upon with disfavor in the United States for two basic reasons. In the first place, if the United States is to pursue a strategy of flexible response, it must retain as tight control of Western nuclear capabilities as possible. We want to be able to select that form of response that we believe is most appropriate to a given situation, and not have Europe force our hand. As it has so often been put, we want an American finger on the nuclear trigger. In the second place, the United States quite genuinely fears the spread of nuclear weapons. Not only would it diminish our control of events within the Western Alliance, but it would multiply the difficulties of peacekeeping all around the world. In more concrete terms, the wider the spread of nuclear weapons around the world, the greater the chances for the outbreak of nuclear war. At the present moment the nuclear powers include, besides ourselves, the U.S.S.R., Great Britain, and now presumably France. In a few years mainland China may join that group. A number of other countries have the potentiality of making nuclear weapons, Sweden for example, or Germany. Both Israel and Egypt have been reported as developing nuclear capabilities. It can readily be seen how much of a temptation nuclear weapons would pose for those seeking a quick solution to protracted or bitter rivalries. Hence U.S. concern in this regard is undoubtedly genuine.

But a considerable segment of the population and leadership of our NATO allies is skeptical of this concern. They believe it masks a simple unwillingness on the part of the United States to share effective control of the deterrent. Since their own fate is bound up with whatever decisions America might choose to make concerning the deterrent, they believe they should be given a much greater measure of control over decisions involving its deployment and use. This demand took shape a number of years ago, and was advanced by various NATO governments prior to the change of administration in 1961. Yet under the spur of the French example, these demands have become more insistent in recent years.

The thesis of those Europeans opposed to American NATO strategy is roughly as follows: Europe can no longer rely on America's commitment to come to its defense. In a crisis the United States may well decide that it is not going to suffer catastrophic destruction in order to preserve Western European freedom and independence. Furthermore, since Europe is tightly packed, with little room to spare, its chances of surviving a nuclear blow are far less than those of the United States. As a consequence Europe must develop its own nuclear force, of sufficient strength not only to retaliate against a Soviet nuclear strike, but to prevent it from happening in the first place. This means that any European—or French—deterrent must be sufficiently credible to the Soviet Union as actually to deter. Secretary McNamara is on record as questioning the credibility of any such deterrent—Speech of Secretary McNamara, Ann Arbor, Mich., June 16, 1962. Department of Defense, Office of Public Affairs, No. 908–62.

Indeed. if a major antagonist should believe that there was a substantial likelihood of its being used independently, it was his view that such a force might actually invite a preemptive strike. Using such a small nuclear force against cities of a major nuclear power would be tantamount to suicide, and its employment against significant military targets would have a negligible effect on the outcome of any conflict. In thus voicing administration views, Secretary McNamara threw down the gauntlet to De Gaulle.

This divergence in strategy between the United States and Gaullist France is at the heart of the difficulties now plaguing NATO. At times this quarrel has taken on overtones of bitterness, with neither side wishing to yield any concessions to the other. The United States has been particularly incensed by the French questioning of our good faith, and by French intimations that they want to have the power to trigger nuclear war if necessary in order to commit America to massive intervention on their behalf. Paraphrasing a recent sentence of Louis Halle, the French President, employing his own deterrent would have virtually the same power as the American President to detonate our deterrent—Halle, Louis J., "The Wrangle Over Strategy," the New Republic, January 18, 1964, page 20.

President de Gaulle's policies are the most dramatic manifestation of an increased concern of NATO's European members for a greater voice in alliance decisions involving nuclear weapons. Several American proposals have sought to relieve this concern, but since we have been reluctant to permit many fingers on the nuclear trigger, these proposals have not evoked an enthusiastic response. During 1958 and 1959, we deployed Thor and Jupiter missiles in Britain, Italy, and Turkey, but not on the territory of any other member of the alliance. Next, we offered to sell ballistic missiles to Europe, while keeping custody of the warheads, but this idea found little acceptance. Then, in December 1960, at the NATO foreign ministers' meeting in Paris, Secretary of State Herter proposed consideration of the establishment of a medium-range sea-based ballistic missile force. Under the plan, the United States would commit 5 Polaris submarines, each carrying 18 missiles, to NATO before the end of 1963. In return, our NATO allies were to buy 100 more missiles from the United States. A plan for joint control of this force would then be worked out.

After the Kennedy administration assumed office, Secretary Rusk renewed this commitment. In May of 1962, five Polaris submarines were earmarked for NATO. But the project went no further, for in the summer of 1962 the administration decided that a surface fleet was a preferable method for any multilateral experiment. As presently conceived, such a force would consist of 25 surface ships, each carrying 8 Polaris missiles. This would make a force of 200 missiles in all. The crews of these ships would be mixed, representing at least three nations, with the United States one of these in every case. The estimated total cost of such a force would be $4 to $6 billion, spread out over an 8- to 10-year period, with the greater part to be borne by the United States and West Germany. The ships and supporting bases for this force would require a 10,000-man force. It would be under the overall command of the Supreme Allied Commander, Europe. Close liaison would be maintained by NATO, the U.S. Strategic Air Command, and Britain's Bomber Command, and European officers would participate in target planning at SAC Headquarters—Congressional Quarterly, week ending July 5, 1963, page 1083.

At about the time that the United States was coming to the decision to press for a multilateral surface force as the means of satisfying pressures within NATO, it was also in the process of deciding to abandon Skybolt. Since Britain had pinned her defenses to this standoff missile, which was fired from an aircraft, the United States appeared to have pulled the rug from under Britain's independent deterrent. Britain's reaction was one of great consternation and anger, and Anglo-American relations were severely strained, at least for a short time. The upshot of this controversy was the Nassau agreement of December 1962, under which the United States was to make Polaris missiles available to Britain, while Britain would supply the nuclear warheads and the submarines to carry the missile systems. Although this British force and equivalent American forces were to be included in a projected NATO nuclear force, Britain was to retain control of this nuclear deterrent in the event supreme national interests required it.

Since the Nassau agreement spoke of assigning Polaris submarines to a NATO force, it implied that a mutual deterrent force would include undersea as well as surface vessels. With our more recent emphasis on a surface fleet, it is not clear whether the current conception still includes both types of vessels, although that is probably the case—at least one knowledgeable commentator, Alastair Buchan, has stated unequivocally that the multilateral force would include undersea and surface ships. See his "The Control of Western Strategy." Royal United Service Institution Journal. November 1963, page 305.

If we are to be precise, we must distinguish the multilateral from the multinational force. A multilateral force implies an integrated arm, including crews of mixed nationalities on missile carrying ships, such ships to be under a common command. A multinational force, on the other hand, would group the countries which have either nuclear weapons of their own or important nuclear delivery vehicles into a special relationship in NATO, for purposes of planning. While joint action is implied, it would be joint action by allies, but by

separate and independent national forces. The United States has championed the multilateral idea, although it has been suggested that France and even Britain, which presented the multinational idea at Nassau—ibidem—might prefer the multinational approach.

The dispute with Britain arising from the cancellation of Skybolt could not help having an impact on NATO as a whole. For one thing, it gave added force to the position of De Gaulle, who could point to the dangers of pinning one's defense on the United States. For another, it undermined the British claim to a special relationship with the United States, a claim deriving in part from Britain's possession of a nuclear capability.

The United States made the same offer to France that it had made to Britain at Nassau; but President de Gaulle rejected it, on the ground that France had neither the warheads nor the submarines to carry Polaris. He restated France's intentions of pressing on with her program for an independent deterrent, a force de frappe. He may well have been strengthened in his resolve by the Skybolt affair, despite his prior resentment at Anglo-American nuclear collaboration and French exclusion therefrom. Such resentment, while understandable, overlooks the fact that Britain attained her nuclear capability without special assistance from the United States, having built up a backlog of knowledge during the joint wartime effort to develop the atomic bomb. But if De Gaulle enjoyed British discomfiture, his official posture was correct. All in all, the Skybolt incident hardly reflected credit on U.S. leadership of the alliance, and indeed may have led to a temporary decline in allied confidence in such leadership.

Confidence has not been fully restored by the multilateral surface force plan. Most of NATO's members feel the plan is impractical; and strong criticism of it has been voiced in the European press and in some official circles. British naval officers are said to be particularly skeptical. However, the United States can truthfully point out, in reply, that despite its repeated invitations, the European members of NATO have never advanced any precise and careful plans for sharing nuclear control.

So far as conventional military forces are concerned, the problem remains what it always has been—the reluctance of NATO's members to meet their commitments. Britain has been talking of cutting down, and even withdrawing, her Army of the Rhine. French troops assigned to NATO fall short of programed strength. Part of the problem is economic, but a greater part of it may well lie in the rather widespread European belief that any war with the Soviet Union would be bound to be a nuclear holocaust; and that if this is so, there is not much point in building up conventional forces.

One country which has not not followed this philosophy is West Germany, which, along with the United States, furnishes most of the ground troops for NATO's crucial central front. This puts the Germans in a position to demand nuclear equality, a demand which the United States well realizes might shatter the alliance. It was in at least partial anticipation of such a demand—to forestall the controversy that nuclear arms for Germany would be sure to provoke, while at the same time honoring legitimate German interests—that the United States put forward the multilateral deterrent force plan. Germany may protest that she has no intention of asking for nuclear arms; but the Gaullist drive for an independent nuclear force could weaken her resolve. Certainly this is a strong argument in the American arsenal against French nuclear aspirations.

A final military problem is posed by the generally cool attitude of France toward NATO. In 1959, France withdrew her Mediterranean fleet from NATO control; and in June of 1963, she took similar action with her North Atlantic fleet. In 1958 and 1959, France refused to integrate her tactical air forces with the rest of NATO. In 1960, she agreed to unify such forces in the forward area only—that is, in a zone on either side of the Franco-German frontier. It was only after this French action that a unified air defense system running from Turkey to Norway was established by NATO.

One might conclude, then, that for the past 3 years the strategic problems within NATO have become intensified, and no satisfactory solution for these problems has yet been found. It has been suggested that one of the reasons for this intensified conflict was the increased lack of consultation between the United States and its NATO allies in the actual formulation of that strategy—Buchan, Alastair, "Partners and Allies," Foreign Affairs, July 1963, page 632. Thus, the doctrine of "controlled nuclear response" arose out of American discussions, and was presented to the Europeans as a fait accompli. This only served to nurture European suspicions—Buchan, Alastair, "Partners and Allies," Foreign Affairs, July 1963, page 632.

III. POLITICAL ABRASIONS

Since its inception, a number of political disputes have arisen within NATO. The one issue that most consistently entangled the United States was colonialism, with the United States favoring independence for particular dependent areas when such independence was opposed by the metropolitan power, which also happened to be a NATO member. Thus, we clashed with France, over Algeria; and with Belgium, over the Congo. For the past 3 years such a clash has infected relations between this country and Portugal. In 1961, the United States voted with the Soviet Union in the United Nations Security Council for a resolution calling for an inquiry into conditions in Angola. Then we voted for a General Assembly resolution calling upon Portugal to institute reforms in Angola. Portugal also deplored our failure to take stronger action against the Indian seizure of Goa, a Portuguese territory on India's coast. The dilemma for U.S. policy was summed up by Arthur Krock as follows:

> The perplexity of the U.S. Government created by the latest Afro-Asian activity in the U.N. against the Portuguese in Angola grows out of policies which require the Kennedy administration to try simultaneously to ride two horses galloping in opposite directions. Our fundamental military alliance in NATO, and its strength depend greatly on the unity which this Government is ever urging. Our fundamental diplomatic policy is to demonstrate by votes in the U.N. and otherwise that the United States unreservedly supports movements for the independence of people everywhere. (New York Times, June 8, 1961.)

The United States has never fully extricated itself from this predicament.

Portuguese sovereignty over the Azores, where the United States has had bases since World War II, put them in a position to exercise considerable leverage when the United States sought an extension of these base rights. Because of our desire to have the agreement extended without a prohibitive increase in the Portuguese asking price, either political or financial, even though the bases are less important than formerly, we backtracked somewhat from our previous stand on Angola, abstaining from a vote on a Security Council resolution calling upon Portugal to grant independence to her African colonies. This action, as might have been expected, satisfied neither the Portuguese nor the Africans. When our lease on the Azores bases expired at the end of 1962 the Portuguese let us stay on, pending a new settlement. We are still there on this somewhat unsatisfactory ad hoc basis. There seems little doubt that the Portuguese inclination to drag matters out is directly related to their dissatisfaction over U.S. policy regarding their African possessions.

Just as the importance of Portugal within NATO was pointed up during 1962–63, so was that of her Iberian neighbor, Spain. Spain is not a member of NATO; but the United States maintains there bases which play an important part in NATO strategy. The defense pact under which the United States exercised its rights to these bases expired in September 1963. It was renewed for a 5-year period, but not until after concern had been expressed over possible Spanish exploitation of her position to gain admission to NATO, or at least to effect a closer association with the alliance. Formal Spanish application for admission would have elicited formal Scandinavian opposition, and perhaps split the alliance. That such an application was not made is due, at least in part, to the buildup of Polaris and other missile forces, and the subsequent decline in importance of Spanish air bases. But Spain did not come off too badly in the base negotiations. In a joint statement of Secretary Rusk and the Spanish Foreign Minister the United States affirmed its recognition of the importance of Spain to the security, well-being, and development of the Atlantic and Mediterranean areas. There is to be a joint consultative committee on defense, with headquarters in Madrid. A threat to either country is a matter of common concern, and both countries recognize that the security of each of them is necessary to the common security. If this agreement does not admit Spain to NATO directly, it nevertheless appears

to amount, as the French paper Le Monde pointed out, to a military pact which is not formally called one—Le Monde, September 28, 1963. As such, it can have a definite bearing on NATO policy at some future date.

At the present moment the political problem most threatening to NATO is the quarrel between the Greeks and Turks on Cyprus. The particulars of that quarrel need not concern us here. The United States was asked by Britain, along with West Germany, France, and Italy, to supply troops for a NATO peacekeeping force on Cyprus. We were reluctant to become involved, but agreed provisionally to go along. But the plan is now dead because the Cyprus Government refused to accept it. Apparently the Cyprus Government did not like the idea of any NATO force, because Turkey is a NATO member, and under the 1960 Constitution of Cyprus, Turkey, Greece, and Britain as guarantors of Cyprus' independence, each may intervene in Cypriot affairs.

At any rate, Cyprus and Britain addressed an urgent appeal to the U.N., and the problem is now in the hands of the Security Council. It has been reported that a plan advanced by U Thant, the Secretary General, has found favor, and stands a good chance of acceptance. This plan calls for an international force to maintain the peace in Cyprus, and the appointment of a neutral mediator who would seek a long-range political settlement. From the Cypriot point of view the essential thing is, at the very least, a declaration of respect for Cyprus' sovereignty. At the maximum they would like a repudiation of those provisions giving Greece, Turkey, and Britain the right to intervene.

The United States, and indeed all other members of NATO, must proceed with caution in this dispute, lest it get out of hand and blow apart NATO's eastern flank. If nothing else, the dispute is instructive in pointing out that NATO is anything but a monolithic structure. Unfortunately it also highlights Britain's conventional weakness, for her troops have been stretched so thin by a succession of crises that she was forced to turn to her fellow NATO members for assistance lest she further deplete her already undermanned forces in Germany. Despite the decline in British conventional strength furthermore, there is little likelihood of the present Conservative or of a possible future Labor government instituting conscription.

If the Cyprus quarrel is presently the most severe within NATO that should not obscure the fact that Franco-United States disagreements characterize the political as well as the military sphere. On January 22, 1963, a treaty of cooperation was signed between France and Germany, which was ratified in May by the German Bundestag and in June by the French National Assembly. This treaty signalized the French desire to play an independent political, as well as military, role. On the German side this treaty was largely the doing of former Chancellor Adenauer, who reportedly was unhappy with what he believed to be a more flexible attitude of the Kennedy administration toward Berlin. It is also conceivable that the Chancellor had been won over to the view that Europe must have its own nuclear deterrent, and believed that joining forces with De Gaulle might help bring this about. But whatever Adenauer's motivation, it seems fairly clear that the Bundestag was not too happy with the arrangement, for it ratified the treaty with a preamble reaffirming German commitments to the United States, to NATO, to the unification of Germany, and to the unification of Western Europe through the integration of Britain and other countries wishing to join. Other German leaders, such as the present Chancellor, Erhard, Foreign Minister Schroeder, and President Lubke were all known to be uneasy at this tack in German policy. For while under other circumstances a Franco-German rapprochement might give cause for satisfaction, under present circumstances, with De Gaulle mistrustful of American leadership and determined to pursue his own policy, it gave cause for anxiety. For one thing, these leaders believed, Germany should not be drawn into any Franco-American quarrel. For another, it seemed obvious that the French connection could provide no real substitute for the American guarantees that are vital to West German security.

In any event it does not appear likely that the Franco-German Treaty will be a touchstone of Bonn's policy, now that Dr. Adenauer has left the scene. This is apparently the case not only because Germany wants American nuclear protection, but also because the German interest in reunification seems rather unlikely to be advanced by a Gaullist orientation to her policy. This does not mean the end to French foreign policy initiatives, some of which we are going to deem inimical to our interests. The recognition of Communist China and the suggestion for the neutralization of Vietnam are two current illustrations. As long as France desires to play a more active role on the world stage we may expect such periodic eruptions, with concomitant strains on NATO.

IV. ECONOMIC PROBLEMS

Throughout its existence NATO has been necessarily concerned with economic problems which might adversely affect the defense effort. First and foremost was the simple fact of the economic burden the NATO defense effort imposed on its members. Then followed the related problems of rising prices, possible inflation, imbalance of payments, difficulties in the procurement and distribution of raw materials, and so forth. While there was a certain amount of grumbling over the economic requirements of NATO, and indeed the reluctance to meet force goals can be attributed partially to this factor, the difficulties enumerated did not cause any major breach within NATO.

But NATO could not escape repercussions arising from the attempt to unite Europe economically. In particular, it is undeniable that French rejection of Britain's bid for entry into the Common Market a year ago—although technically the negotiations concerned the establishment of conditions for entry—imposed a severe strain on Franco-British relations and thus indirectly on NATO, to which each of the Six belong. Although the Common Market did not break up, and indeed the other members opposed the French action, the drive for European integration did lose momentum. Furthermore the French decision meant the perpetuation of Western Europe's division into two economic camps, with leading NATO members in each.

Other pronouncements of President de Gaulle relative to the economic affairs of the Common Market have caused some uneasiness among the other members, particularly a statement of last July 29 in which he said that at the forthcoming round of tariff negotiations between the United States and Europe the Common Market must either stand on its own feet or it must disappear. This was coupled with a statement that Europe must assure its own food supplies, which was taken to mean that France must have an assured market for her agricultural produce within the Common Market.

But generally speaking, agricultural policy within the Common Market is not, at this writing, a major source of stress within NATO. Rather, difficulties arose between the United States and the Common Market, and it was these which for a time threatened to engender unwonted bitterness.

These difficulties, embodied in the so-called chicken war, had their origin in the EEC's implementation of the first phases of its common agricultural policy. As part of this process, the Market raised its ad valorem duties on American poultry from 15 percent to 45 percent. The United States estimated that this would cause damages to American poultry exports amounting to $46 million. The EEC assessed the damages at far less, and argued that in any event community poultry producers were fast adopting U.S. mass production methods, and that as a result we were going to lose much of our European market fairly soon, anyway. With the Common Market standing adamant, the United States took steps to retaliate, by withdrawing trade concessions on a number of commodities to make up for the estimated losses to our poultry industry. Eventually the Common Market accepted mediation of the dispute by a special GATT panel, as we had earlier proposed. That panel fixed the damage to the United States at $26 million, rather than $46 million. This was a great deal closer to the market estimate of $19 million than to our own figure. This past January the United States withdrew trade concessions to EEC countries equal to the value of this particular loss. Thus while the matter has been smoothed over, there has been a certain decline in confidence in this country over the direction the EEC might be taking. Obviously, this could complicate our relations within NATO.

One reason for U.S. vehemence against the increase in poultry tariffs lay in the difficult U.S. balance-of-payments position. The United States has continued to insist that its European allies pay a greater share of both the defense and

foreign aid load as a means of reducing our unfavorable balance-of-payments position and the consequent gold outflow. Our allies have generally stepped up their expenditures in these areas, particularly with respect to foreign aid, but in our view their efforts have not been commensurate with what their booming economies can support. This question has been a continuing source of friction within NATO, that was highlighted during the Kennedy administration, and may be again in the future.

V. SOME PARTING THOUGHTS

NATO is beset with problems, so much so that some people predict its dissolution. Yet it has never been free of problems from the moment the rearmament of Germany was decided upon. In the past few years differences over strategy and over the control—in the sense of the right of review—to be exercised by our European allies with respect to nuclear weapons, have perhaps been exacerbated. This is due primarily to the clash fostered by the French belief in the need for their own deterrent system, and the American feeling that we must maintain as close control as possible over the decision to employ nuclear weapons if our strategy of flexible response is to be viable. This strategic argument is complicated by political and economic problems which in themselves are considerable sources of internal NATO division. The plan America is advocating to accommodate allied insistence on sharing control of nuclear strategy, that is the multilateral seaborne force, appears to have a less than 50–50 chance of adoption by NATO. Even if it is eventually accepted, France will probably continue to construct her own nuclear force and go her own independent way. If it is not adopted, NATO will continue to be plagued by the necessity of finding some feasible method of sharing nuclear control. In either case, the waters of NATO will probably be roiled for some time to come.

VI. A CALL FOR A NATO SUMMIT CONFERENCE

I have discussed, briefly some of the history of NATO, and, more particularly some of the problems which beset the alliance at present. These problems are very real, and they must be met. It is most appropriate, therefore, that we seek means through which solutions to them might be found.

If we desire to lead the West from wisdom as well as from strength, now is the time. This means, as I see it, a NATO summit conference, a conference which we should call. That conference should be held as quickly as it can be organized and the necessary staff work done.

We cannot afford to let NATO drift. Nor should we permit the call for such a conference to originate in another quarter—let us say the French quarter. If it does, wounded pride might dictate our rejection, and wounded pride seldom makes for wise decisions. Most of all, we should not wait until particular quarrels and irritations boil up into one grand crisis. If that happens, any conference we call would meet hastily, under extreme pressure, with ill-prepared positions. Its chances for success would hence be very slim.

No, we should not respond after the situation has gotten out of hand, as has all too often been the case in the years since World War II ended. We should seize the initiative. A call for a NATO summit conference would proclaim our concern with the state of the alliance, our realization that our policies, however well conceived in terms of our own interest, do not necessarily satisfy the interests of the alliance as a whole. Or, if we believe they honestly do, a NATO summit conference would give us a platform, which we would have to use most thoroughly and carefully, to explain to our allies why we think this way.

I would like to see the United States resume its leadership of the West, a leadership which can be respected and admired, rather than simply borne with. A NATO summit conference would be the first step in that direction.

Mr. DOMINICK. Mr. President, will the Senator yield for a couple of comments and then a question or two?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator yield?

Mr. PROUTY. I yield.

Mr. DOMINICK. First of all, I have been listening with great interest to the Senator's analytical summary of the problems we have in NATO. There is no doubt that those problems exist. There is no doubt that they have increased in the last 2 or 3 years. I had the opportunity, a couple of years ago, of visiting a good many of the NATO bases. It became apparent, in the process of visiting the military bases, that many of the nationals in them, including the Turks and Greeks, who have been historic enemies, were working very well together in a combined effort to try to offset the Communist pressure we were having on all flanks. But it also became clear to me that the political pressures were not solved.

During this process, I got to Spain. It was a great surprise to me to learn that, although Spain is not one of the NATO countries, nevertheless her armed forces were maneuvering in conjunction with the NATO forces. Her military maneuvers were apparently under Spain's own auspices and obviously, under her own command, but she had the definite intention of cooperating with the NATO forces to help us, if called upon. I thought it was very interesting.

I was also interested in the comments of the Senator from Vermont on agricultural problems with the European Economic Community, with particular reference to the chicken problem. I believe the Senator stated that our Government has said we would lose $46 million if the treaty were used, and GATT said we would lose $26 million. I was interested because recently we entered into a voluntary agreement with the Australians and New Zealanders so far as livestock importations into this country are concerned. The State Department has gone ahead and entered into these negotiations for the agreement, under which the Australians and the New Zealanders will be permitted to bring into this country a little over 10 percent of the total amount of livestock produced for consumers in this country. This is an increase of some 85 percent over what we were importing in 1960.

It builds into our economy a leverage for the Australians and New Zealanders and their livestock which at the present moment is costing our own national economy $2 billion. Not $26 million but $2 billion.

Mr. PROUTY. I believe the Senator from Colorado should emphasize that point once more. So let me help him by asking the question: Did the Senator say $2 billion?

Mr. DOMINICK. Yes; I said $2 billion. This is the direct loss which the economy will suffer in terms of the agreement entered into.

It strikes me that somewhere along the line we must not only try to do something to expand our exports, but also we must be realistic enough to recognize that if all the other countries come into our country and use our country as a primary market for their production, our own domestic production will be at least reduced and may be eliminated—at least curtailed to such an extent that the unemployment level in this country, which we are trying to lower, will be seriously affected. This, I believe, the State Department and those in favor of the idea have not really come to grips with yet.

On trade with Communist countries, which is another subject, I wish to ask a question. Section 2 of the NATO Agreement permits us to call a conference on an overall trade agreement, including the agreed on policies on trade with Communist countries. Is that correct?

Mr. PROUTY. I do not have the charter before me, but I believe the Senator is correct.

Mr. DOMINICK. I have been trying to urge a policy under which we could have some kind of conference, such as the Senator from Vermont has just called for, on trade with Communist countries. It seems to me that the type of conference among the NATO countries at the high level of which the Senator from Vermont is speaking would be a magnificent forum to make a start. At the moment, we are going in every direction at once.

Mr. PROUTY. I am sure that would be a conference that would be germane, and one about which the American people and the American Government should be much concerned. We see what has happened in connection with shipments to Cuba and other Communist countries by our Western Allies. It is a matter which disturbs most of us in this country. A conference would afford an opportunity to stress our point of view and try to persuade our allies that it is in their interest, as well as ours, to reduce those shipments quite considerably.

Mr. DOMINICK. I thank the distinguished Senator from Vermont. He has rendered a great service with his analysis. It gives the Senate the historical

background on the situation we are facing and the problems that lie ahead.

Mr. PROUTY. Mr. President, I am grateful to the distinguished Senator from Colorado.

Mr. President, I yield the floor.

AMENDMENT OF FEDERAL AIRPORT ACT

Mr. MONRONEY. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 1153.

The PRESIDING OFFICER (Mr. HART in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1153) to amend the Federal Airport Act to extend the time for making grants thereunder, and for other purposes, which was to strike out all after the enacting clause and insert:

That section 2 of the Federal Airport Act (49 U.S.C. 1101) is amended:

(1) by striking out the designation "(a)" at the beginning thereof;

(2) by inserting "(except advance planning and engineering for which specific grants have been made)" immediately after "specifications" in paragraph (6);

(3) by striking out "and the Virgin Islands" in paragraph (7) and inserting in lieu thereof "the Virgin Islands, and Guam";

(4) by inserting "of the advance planning and engineering costs or" immediately after "portion" in paragraph (10);

(5) by inserting "the United States Air Force," immediately after "Navy," in paragraph (11); and

(6) by striking out the subsection heading "Airport Classifications" and all of subsection (b).

SEC. 2. Section 3(b) of such Act (49 U.S.C. 1102(b)) is amended:

(1) by striking out the phrase "War and Navy Departments" wherever it appears in the subsection heading and text and inserting in lieu thereof "Department of Defense"; and

(2) by striking out "such Departments" and inserting in lieu thereof "the Department".

SEC. 3. Section 4(a) of such Act (49 U.S.C. 1103(a)) is amended by inserting "and for advance planning and engineering therefor" immediately after "airport development".

SEC. 4. Section 5(d) of such Act (49 U.S.C. 1104(d)) is amended by adding at the end thereof the following new paragraphs:

"(4) For the purpose of carrying out this Act in the several States, in addition to other amounts authorized by this Act, appropriations amounting in the aggregate to $199,500,000 are hereby authorized to be made to the Administrator over a period of three fiscal years, beginning with the fiscal year ending June 30, 1965. Of amounts appropriated under this paragraph, $66,500,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1965, June 30, 1966, and June 30, 1967, and shall continue to be so available until expended.

"(5) For the purpose of carrying out this Act in Hawaii, Puerto Rico, and the Virgin Islands, in addition to other amounts authorized by this Act, appropriations amounting in the aggregate to $4,500,000 are hereby authorized to be made to the Administrator over a period of three fiscal years, beginning with the fiscal year ending June 30, 1965. Of amounts appropriated under this paragraph, $1,500,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1965, June 30, 1966, and June 30, 1967, and shall continue to be so available until expended. Of each such amount, 40 per centum shall be available for Hawaii, 40 per centum shall be available for Puerto Rico, and 20 per centum shall be available for the Virgin Islands.

"(6) For the purpose of developing, in the several States, airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having high density of traffic serving other segments of aviation, in addition to other amounts authorized by this Act for such purpose, appropriations amounting in the aggregate to $21,000,000 are hereby authorized to be made to the Administrator over a period of three fiscal years, beginning with the fiscal year ending June 30, 1965. Of amounts appropriated under this paragraph, $7,000,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1965, June 30, 1966, and June 30, 1967, and shall continue to be so available until expended."

SEC. 5. (a) Section 6(a) of such Act (49 U.S.C. 1105(a)) is amended—

(1) by striking out "or 5(d)(1)" in the first sentence and inserting in lieu thereof ", 5(d)(1), or 5(d)(4)"; and

(2) by inserting "for advance planning and engineering or" immediately after "grants" in the second sentence.

(b) Section 6(b)(1) of such Act (49 U.S.C. 1105(b)(1)) is amended—

(1) by striking out "and 5(d)(1)" and inserting in lieu thereof ", 5(d)(1), and 5(d)(4)"; and

(2) by striking out "section 5(d)(3)" and inserting in lieu thereof "sections 5(d)(3) and 5(d)(6)".

(c) Section 6(b)(2) of such Act (49 U.S.C. 1105(b)(2)) is amended—

(1) by inserting "for advance planning and engineering grants or" immediately after "available" in the first sentence;

(2) by inserting "advance planning and engineering or" immediately before "projects" in the second sentence; and

(3) by striking out "and the Virgin Islands" each place it appears and inserting in lieu thereof in each such place "the Virgin Islands, and Guam".

(d) Section 6(c) of such Act (49 U.S.C. 1105(c)) is amended by inserting "advance planning and engineering and" immediately before "projects".

SEC. 6. Section 7 of such Act (49 U.S.C. 1106) is amended—

(1) by inserting in the section heading "ADVANCE PLANNING AND ENGINEERING AND" immediately before "PROJECTS";

(2) by inserting "advance planning and engineering and" immediately before "projects" where it first appears in the text; and

(2) by inserting "advance planning and engineering costs or" immediately after "United States share".

SEC. 7. Immediately after section 7 of such Act, insert the following new section:

"ADVANCE PLANNING AND ENGINEERING GRANTS

"SEC. 8. For the purpose of developing airport layout plans and plans designed to lead to a project application, the Administrator is authorized to make grants to sponsors, based upon approved advance planning and engineering proposals, for not more than 66⅔ per centum of the estimated cost thereof. For the purposes of this section, 'airport layout plan' means a plan for an airport showing boundaries and proposed additions to all areas owned or controlled by the sponsor for airport purposes, the location and nature of existing and proposed airport facilities and structures, and the location on the airport of existing and proposed nonaviation areas and improvements thereon."

SEC. 8. (a) The section heading of section 9 of such Act (49 U.S.C. 1108) is amended by inserting "ADVANCE PLANNING AND ENGINEERING PROPOSALS AND" immediately before "PROJECTS".

(c) Section 9(b) of such Act (49 U.S.C. 1108(a)) is amended by inserting "an advance planning and engineering proposal or" immediately after "Administrator" where it first appears in the first sentence.

(c) Section 9(b) of such Act (49 U.S.C. 1108(b)) is amended—

(1) by striking out "submission of a project" and inserting in lieu thereof "submission of an advance planning and engineering proposal or a project"; and

(2) by inserting "advance planning and engineering proposal or" immediately before "project" the second time it appears.

(d) Section 9(c) of such Act (49 U.S.C. 1108(c)) is amended—

(1) by striking out "submission of a project" and inserting in lieu thereof "submission of an advance planning and engineering proposal or a project"; and

(2) by inserting "Guam," immediately after "the Virgin Islands,".

(e) The first sentence of section 9(d)(1) of such Act (49 U.S.C. 1108(d)(1)) is amended to read as follows: "All such projects and advance planning and engineering proposals shall be subject to the approval of the Administrator, which approval shall be given only if he is satisfied that the project or advance planning and engineering proposal is not inconsistent with plans (existing at the time of approval of the project or advance planning and engineering proposal) of public agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this Act, that sufficient funds are available for that portion of the project or planning and engineering costs which are not to be paid by the United States under this Act, that the project or planning and engineering will be completed without undue delay, that the public agency or public agencies which submitted the project application or planning and engineering proposal have legal authority to engage in the airport development as proposed, and that all project sponsorship requirements prescribed by or under the authority of this Act have been or will be met."

SEC. 9. (a) Section 10(a) of such Act (49 U.S.C. 1109(a)) is amended to read as follows:

"General Provision

"SEC. 10. (a) Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved project under this Act shall not exceed 50 per centum of the allowable project costs."

(b) Section 10(b) of such Act (49 U.S.C. 1109(a)) is amended by striking out "(1); and the maximum United States share under subsection (a)(2),".

(c) Section 10(c) of such Act (49 U.S.C. 1109(c)) is amended by striking out the parentheses and all words within the parentheses and inserting ", not to exceed 75 per centum,".

SEC. 10. Section 11 of such Act (49 U.S.C. 1110) is amended:

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively, and by inserting immediately after paragraph (3) the following new paragraph:

"(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and take-off of aircraft;";

(2) by striking out "(5)" in the last sentence and inserting in lieu thereof "(6)"; and

(3) by adding at the end thereof the following new sentence: "Except for the purpose of carrying out a provision of law specifically set forth in this Act or in another Act of Congress, no rule, regulation, requirement, restriction, or order heretofore or hereafter issued, established, proclaimed, or published by any officer, employee, department, agency, or establishment in, of, or under the executive branch of the Government shall apply to the construction, maintenance, operation, or administration of any airport or project with respect to which funds have been or may be obligated or expended under this Act."

SEC. 11. Section 12 of such Act (49 U.S.C. 1111) is amended—

(1) by amending the first sentence to read as follows: "Upon approving an advance planning and engineering proposal or a project application, the Administrator, on behalf of the United States, shall transmit to the sponsor or sponsors of the advance planning and engineering proposal or project application an offer to pay the United States share of the planning and engineering costs or allowable project costs.";

(2) by striking out "of the project" where it appears in the third sentence; and

(3) by amending the last sentence to read as follows: "Unless and until such a grant agreement has been executed, the United States shall not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred."

SEC. 12. Section 14 of such Act (49 U.S.C. 1113) is amended—

(1) by inserting "advance planning and engineering costs or" immediately before "allowable" in the second sentence;

(2) by striking out "of the project" each place it appears in the second and third sentences;

(3) by inserting "advance planning and engineering or" immediately before "airport development" each place it appears in the second and fourth sentences;

(4) by inserting "of advance planning and engineering costs or" immediately after "United States share" in the third sentence; and

(5) by inserting "planning and engineering or" immediately after "such" where it first appears in the fourth sentence.

SEC. 13. The Federal Airport Act is amended further by inserting at the end thereof a new section as follows:

"ACCESS TO RECORDS

"SEC. 21. (a) Each recipient of grants under this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such grants, the total cost of the plan or program in connection with which such grants are given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources and such other records as will facilitate an effective audit.

"(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers and records of the recipient that are pertinent to the grants received under this Act."

Mr. MONRONEY. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MONRONEY, Mr. BARTLETT, Mr. LAUSCHE, Mr. HART, Mr. COTTON, Mr. MORTON, and Mr. SCOTT conferees on the part of the Senate.

THE IOU'S, NO. 8: WATER OVER THE DAM IN VIRGINIA

Mr. METCALF. Mr. President, this week a Virginia State senator, Edward O. McCue of Charlottesville, asked for an investigation of high electric and telephone rates in his State, despite record earnings by the utilities.

Senator McCue's interest is warranted.

The value of Virginia Electric & Power Co. common stock has increased in capital value more than five times during the past 11 years. Dividends have been handsome. The value of each stockholder's 1953 investment has increased more than 50 percent annually since that date. However, there have been no major adjustments in rates charged residential customers for about 10 years. And that last major adjustment, affirmed in a Virginia court in 1955, was a rate increase.

A review of the hearing which preceded that increase, and an examination of statements made subsequently by officials of Vepco and the State corporation commission—the utility regulatory body in Virginia—illustrate how the electric consumer is subsidizing the stockholder and how the regulation of IOU's has broken down.

Customers of Vepco—and they include Members of this body—are billed every other month. Vepco was in the process of changing from monthly to bimonthly billing during the 1953 rate hearing. Maximilian George Baron, an attorney for Arlington County, which was fighting the proposed rate increase, asked the company treasurer, Samuel Edward Ratcliffe—now vice president—how much the company would save by bimonthly billing. Mr. Ratcliffe replied that some 150,000 customers—about one-fourth of the total served—were already on bimonthly billing. The company planned to put about 25,000 more customers on bimonthly billing, he said, "so the only additional savings that might be gained would be with respect to this 25,000 additional customers."

"What is the amount that would be saved on that?" asked Arlington County's counsel.

"That would run approximately $60,000 a year," responded Vepco's treasurer.

The State corporation commission accepted the company's stated position. Commissioner H. Lester Hooker said, in his opinion:

> This protestant [Arlington County] also asserted that expenses should be reduced because of savings to be anticipated from bimonthly billings. * * * The savings from bimonthly billing are, as the treasurer of the company testified, of a very modest amount and almost all of the savings that are practical have been already realized.

Therefore, the predicted income reflected no savings in expenses by reason of additional bimonthly billing of Vepco customers.

Mr. President, now let us see what the company and the commission have said more recently about bimonthly billing.

Mr. E. H. Will, at that time chairman of the board of Vepco, journeyed to New York in March 1960, where he was interviewed by the Wall Street Journal. I shall read one paragraph from the Journal's March 7, 1960, article:

> The (Virginia Electric & Power) company's ratio of operating expenses to operating revenues was 41.72 percent last year, according to Mr. Will, reflecting a gradual decrease from 49.07 5 years ago. He said the company estimated a "further slight improvement" in this ratio in 1960. Contributing toward the lower ratio, Mr. Will states, was the company's method of billing its customers every other month, saving $2 million last year over the cost of monthly billing.

Mr. President, it would appear that savings from bimonthly billing are not as modest as the company and commission visualized they would be.

However, to my knowledge, neither has suggested that electric rates be reduced to reflect this saving.

Under the water-over-the-dam principle of utility regulation, the party which benefits from a miscalculation of predicted income is not required to share the benefits with the other party.

This month a Vepco customer in northern Virginia asked the State corporation commission how much the company had saved in recent years by bimonthly billing, and the extent to which these savings were reflected in the rate structure. The reply from the State corporation commission said:

> We do not have any specific information concerning the amount of money saved by the Virginia Electric & Power Co. by the use of bimonthly billing.

As I said at the outset, the interest of a Virginia State senator in this subject is warranted.

Mr. President, I ask unanimous consent to insert in the RECORD a United Press article appearing in the February 18 issue of the Northern Virginia Sun, under the heading "Bill Asks Utility Rate Probe"; a series of three articles by Rice Odell which appeared last year in the Washington Daily News; a letter to the State corporation commission from the Arlington County board, dated August 21, 1963, and an analysis of earnings and rates of Vepco and the Chesapeake & Potomac Telephone Co. of Virginia, which was prepared by Martin Bennett Associates, consultant to the Norfolk City Council.

I call particular attention to the unanimous conclusion of the Arlington County board based upon a study by the county public utilities commission:

> The rate of return for Vepco, instead of fluctuating about the 6-percent level which the State corporation commission said was appropriate in 1953, actually reached the 7-percent level in 1962 and, based on current information, the rate continues to climb. The stockholders have benefited greatly as their dividends per share have increased 123 percent since 1954. At the same time, the residential user of electricity who is unable to take advantage of the new promotional rates, is eligible for a maximum annual rate saving of but 60 cents.

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

[From the Northern Virginia Sun, Feb. 18, 1964]

BILL ASKS UTILITY RATE PROBE—TELEPHONE, ELECTRIC PRICES HIT

RICHMOND.—Senator Edward O. McCue of Charlottesville wants to find out why telephone and electric rates in Virginia are "quite high" despite record earnings of the State's utility companies.

McCue introduced a resolution Monday that would require the State corporation commission to provide the answers by February 24 to a long string of questions "for the protection of homeowners and domestic users."

The resolution was one of 51 last minute measures introduced in the upper chamber of the Virginia General Assembly. Further legislation during the current session may be introduced only by unanimous consent of the members or on request of the Governor.

McCue remarked on the senate floor last week that he had received a "flood of letters" from homemakers in the Richmond area in response to the suggestion of Joseph Weeks, a television commentator on WRVA-TV's "News Probe," an editorial program.

Weeks told his viewers last week to squawk to Senator McCue if they thought their utility rates were too high. Consequently, McCue said he received more than 50 letters from the Richmond area complaining about utility rates.

Weeks contended McCue favored taxing the utility companies to the point where they were forced to raise their rates.

However, in his resolution McCue said:

"It has been brought to the attention of the general public that the stock of the major power companies and telephone companies has increased in value to such an extent that * * * stock splits have taken place." He singled out American Telephone & Telegraph Co. as recently splitting its stock shares 3 for 1, and proposing to have a further 2 for 1 stock split.

"These companies are making money hand over foot," he said on the senate floor. "Being a businessman, I'm not against making money. I only wish I'd have gotten in on the split with some of that A.T. & T. stock."

The resolution asked the State corporation commission to report on the following:

The rates of return allowed major telephone and electric companies in 1948 and the rate allowed today.

The average sales price of telephone and electric stock in 1948 and the price today, disregarding splits.

Rates for electricity in Virginia as compared with those charged in the neighboring States.

The average lowest price charged the homeowner for the minimum electric bill compared with the price charged major industrial users of electricity.

The last day's flood of bills and resolutions, which brought the total to 442 in the senate for the entire session, included a Republican bill that would abolish closed-door sessions from the general assembly down to the local school board.

Senator James Turk of Radford sponsored the measure to require all public meetings to be open to the public—excluding executive sessions.

These sessions could be called only on matters pertaining to "national defense, the negotiations for the sale of public property, in which the reputation of any person is at issue."

Turk also sponsored a bill to require that Commonwealth's attorneys represent the State highway department in all matters involving land acquisition and rights-of-way. As it stands now, the department appoints its attorneys, subject to approval by the attorney general.

It was revealed last week that at least 15 members of the general assembly were working for the highway department on rights-of-way.

[From the Washington Daily News]

ARE ELECTRIC BILLS TOO HIGH?

(By Rice Odell)

(One of a series)

If you think your electric bills are too high, you may be right.

A number of experts think bills in the Washington area are running an average of $1 or more per month above what should be allowed.

This does not mean that the electric companies are gouging their customers. They are charging rates set by law. However, there is growing concern that the legal rates may be too high.

Various commissions serve as watchdogs for the consumer. They are supposed to see that the rates charged are "just and reasonable," and they have the power to back up their findings.

But if the consumer thinks this is a guarantee against being overcharged, he might change his mind if he knew how the system works.

In the last few weeks, three utility commissions have taken a sudden interest in the rates being charged by the two big electric companies serving the Washington area—Potomac Electric Power Co. and Virginia Electric Power Co.

The Maryland and District public utilities commissions have both launched investigations of Pepco rates and the Arlington Public Utilities Commission seeks a probe of Vepco rates.

The District PUC, which last set rates for Pepco in 1959, now suspects that its more than 376,000 customers are being overcharged at the rate of roughly $7 million a year.

This would come out to more than $18 a year per average customer.

(This figure does not indicate how the burden is divided between residential and commercial users.)

On the other side of the river, the staff of the Arlington Public Utilities Commission has concluded that Vepco's 810,000 customers are paying almost $15 million a year more than they should. This also represents about $18 a year per average customer.

At the moment, Pepco officials are declining to make any comment on the situation. Vepco has denied any overcharge at any time.

Here's how things work:

The regulatory commission at any time it deems appropriate, holds a hearing and is then supposed to fix rates designed to be "just and reasonable." This may involve either raising or lowering the previous rates. There are several factors usually considered in deciding what is reasonable:

The company should not be allowed to reap profits which far exceed those of normal business.

On the other hand, the company should be allowed to earn enough so it can provide sound management and credit and attract, at low cost, the investment capital it needs to operate properly.

WHAT'S FAIR?

What rate of return on investment is considered fair?

The Supreme Court has said this varies with the company and the circumstances. Leaving off the extremes, the opinions of State commissions usually vary from around 5.25 to 7.25 percent.

(The conservative or liberal character of a commission is usually reflected in the percentage considered reasonable.)

In general, a 6-percent rate of return on investment has long been regarded as the norm. In fact, since 1954 the District PUC has tried to set Pepco rates which would return 5.85 percent. In Virginia in 1953, the authorities said that a proper return would be 5.87 percent.

In spite of this, studies indicate that the present profits of Pepco are more than 6.5 percent, and those of Vepco about 7 percent.

That sounds slight, but consider what it would mean in the case of Vepco to have a return of 6.87 percent, for example, rather than 5.87 percent:

The company's rate base (or capital investment) at the end of 1962 was nearly $717 million. The 1 percent difference on that amounts to almost $7.2 million.

For the company to realize that amount of profit, after Federal taxes of 52 percent are taken out, it would have to take in gross revenues of almost $15 million—and that $15 million represents overcharge to the customers beyond what is necessary to yield the approved 5.87 percent profit.

VEPCO'S EFFICIENCY BRINGS IT UNDER FIRE

(By Rice Odell)

(Second of a series)

There is evidence, too strong to be ignored, that the rates being charged by Virginia Electric & Power Co. are too high to be considered "reasonable," as that word is used in utility rate semantics.

There has been no major change in the rates since March 1, 1954—but the story of company earnings is far different. These are some illustrations:

In 1953 the average market price of Vepco common stock was a little over $25. It has recently been around $44. In addition, since 1953 there have been 2-for-1 and 3-for-2 stock splits, so that every share in 1953 has turned into 3 shares today.

Thus a single $25 share in 1953 has increased in capital value today to over $130. In addition, dividends (adjusted for the splits) have totaled $21.82.

Added to the stock value increase of $105 this gives a total gain to the stockholder of $126.82—or an annual average gain of $12.68, which is just over 50 percent each year on the 1953 market price.

CONSULTANT

This analysis comes from Laurence S. Knappen, a public utility consultant.

"You have to allow them to keep their credit good and attract capital, but that's the kind of return you expect to get in a speculative venture," he said.

Mr. Knappen, who has worked in the field for 20 years, defends his figures on grounds that the formula used is the very same which company witnesses across the country have often adopted in their efforts to get rates increased—by claiming inadequate market value of stock.

Throughout the United States electric companies have shown a pattern of increased profits due to heavier sales, greater efficiency, and new technology. Revenues rise while company costs go down.

Vepco speaks proudly of this in its 1962 annual report: "That important measure of the efficiency of our operations, ratio of expenses to revenues, continued to improve * * * and has been almost constantly downward in the past 10 years." A graph illustrates the improvement sharply.

(It is a measure of the difficulty which regulatory commissions face that it is next to impossible to change rates fast enough to keep pace with this growing efficiency.)

Vepco has answered charges of overly high rates by saying, among other things, that electricity is a great "bargain" and that its cost per unit used has gone down while the cost of living has gone way up. This argument has an attractive sound, but it misses the point. It says nothing about earnings.

From 1953 to 1962, Vepco has reported steadily increasing net operating revenues

($17.7 to $49.4 million), net income ($12.9 to $33.4 million) and earnings per share of common stock (89 cents to $2.35).

The Arlington Public Utilities Commission, using the same formula accepted by the Virginia Supreme Court in 1953, has concluded that the rate of return has risen from the approved 5.87 percent of 10 years ago to a current 6.99 percent.

Such a seemingly small difference would actually involve additional charges to the public of some $15 million a year.

The final word on rates in Virginia comes from the three-man State Corporation Commission (SCC) in Richmond. Arlington and Norfolk are among the few local governments which have been able and willing, on their own, to challenge the status quo on behalf of their residents.

In 1960, the city of Norfolk wondered about Vepco's rates and retained Martin Bennett Associates of Washington, utility consultants, to report on the situation.

The result was a finding that the 1960 rate of return ranged somewhere between 6.36 percent and 6.93 percent, depending on the method of calculation used.

"Earnings are high in our estimation," the firm said.

The staff of the SCC itself has reported to the Commission that the 1962 rate of return was 6.36 or 7.01 percent, depending on how Federal income tax payments are taken into account.

The National Rural Electric Cooperative Association earlier this year issued a report on "overcharges" of 38 major electric utilities in the country. Assuming 6 percent to be a fair rate of return, it estimated that from 1956 to 1960, Vepco's customers paid $83.6 million too much.

Vepco responded that the claim was "absurd on its face."

For normal residential use, at least, Vepco rates are noticeably higher than those of Pepco across the river, but that does not take into account various factors, including commercial and industrial schedules.

There is no doubt that all the figures can be looked at many ways in determining rates of profit. And there is also no doubt that they are.

For example, much depends on whether the "rate base" (or roughly capital investment) is taken from the end of the year or as an average during the year.

AVERAGES

Most State commissions use the average, which substantially lowers the base and thereby increases the rate of return. (In the last year alone, for example, Vepco's rate base or capitalization increased $56 million during the year.)

Vepco, however, has been allowed to use the yearend base since 1953, and feels this is the proper method. Were the year's average investment used, the base would be lowered by half of the $56 million added during the year—much to the consumers advantage—in figuring rates of return on that investment.

But to the consumer's pocketbook there is an even more important battle of accounting going on throughout the country. It involves different ways of treating taxes which, for the average Vepco customer, makes a difference of $13 or more in his bills each year.

The most important type of tax adjustment was discussed in outspoken fashion recently by Howard Morgan, outgoing member of the Federal Power Commission. On February 28, while testifying before a special House Interstate and Foreign Commerce subcommittee, he said:

"The electric and gas utilities of the United States are currently syphoning off hundreds of millions of dollars a year of consumers' money by means of paying taxes to the Treasury on a basis of accelerated depreciation, while reporting their tax expenses to the Commission for rate-making purposes on the basis of the full taxes they would have paid without accelerated depreciation.

"This means that the consumers are being charged huge amounts representing phantom taxes which are not paid and in the opinion of most, if not all, disinterested students of taxation, will never be paid."

The FPC which is changing its political makeup, now has under review the question of how deferred taxes, as well as investment tax credit, should be treated for rate-making purposes. The utility world, with hundreds of millions of dollars riding on the outcome, has its fingers crossed.

S. E. Ratcliffe, treasurer of Vepco, says that taxes should be reportable as if paid in full without benefit of accelerated depreciation.

He said if this method is used—and last December's $3.2 million decrease in commercial and industrial rates is taken into account, among other things—the rate of return for Vepco is now about 6.1 percent rather than the 7 percent claimed.

BEHIND VEPCO PROBE: NEW PUC MEMBER

(By Rice Odell)

(Third of a series)

Arlington County officials are troublemakers for the Virginia Electric & Power Co.

Ten years ago, when Vepco asked for a rate increase, Arlington protested vigorously, carrying the case all the way to the Virginia Supreme Court.

Arlington lost.

NEW CONCLUSION

Now the Arlington Public Utilities Commission has concluded that Vepco's current rate of return is about 7 percent rather than the acceptable 6 percent.

It has asked the Arlington County Board to request the State corporation commission make a "serious inquiry" into Vepco rates. The county board—voting 4 to 0—agreed to make the request.

It is no accident that the Arlington PUC suddenly became concerned over Vepco. In January Laurence S. Knappen, a public utility consultant just turned 65 and ready for retirement, was named vice chairman of the commission. A dogged fighter, he is not a favorite of the utility companies.

"For 20 years I've been working the consumer's side," Mr. Knappen said. "The biggest trouble is getting the public to act in time. Until somebody complains, nothing happens.

"The residential users are always the last ones to get any downward revisions of rates," he said. "They're not organized. There are all sorts of things large companies can do to drive bargains."

For example, industries can threaten to get diesel engines and generate their own power.

Mr. Knappen said that was once involved in one case he became convinced that the power company was selling electricity at a loss to a large client.

PET PHRASE

There is a pet phrase which keeps creeping up in the utility field—"regulatory climate." This is a polite way of referring to outlook of a regulatory commission. The climate is either favorable to the companies or to the consumers.

For example, in 1960 the city of Norfolk had some doubts about the rates Vepco was charging in the State and asked a Washington firm to make a study. The firm concluded that although it felt the rates were too high, but said, "We believe that the regulatory climate of the Commonwealth of Virginia would thwart any attempt to obtain a rate reduction at this time."

A number of observers are still pessimistic about the "climate." Although the three-member State Corporation Commission's findings were protested in 1953, and there has been every indication of steadily increasing earnings by Vepco, the commission has held no hearing on general rate changes for almost a decade.

What will happen to the Arlington request is quite uncertain. The News asked the newest member of the SCC, Judge Jesse W. Dillon, whether he thought that a 6.36 percent rate of return (reported for Vepco in 1962 by the SCC's own staff) was excessive.

"I don't think so," he said.

Asked about the 7.01 percent rate which the staff reported through use of a more common method of allowing for income taxes (based on accelerated depreciation), Judge Dillon said, "That may be getting close to the borderline."

He added that the Federal Power Commission has not yet ruled on how accelerated depreciation should be treated for rate-making purposes. "We'll probably not go against the FPC," he said.

If the FPC says that the accelerated depreciation is to be used, the books of the utilities will show a far higher rate of return and provide a better chance of getting rates lowered.

The regulatory climate manifests itself in many ways, Mr. Knappen said. Whichever party is pressing for a rate change may be warned by someone on or close to the Commission, "This is not the time to take aggressive action."

Often, he said, a diligent Commission staff may work hard to present evidence for a needed rate change, only to have an unsympathetic Commission itself quash the case.

HIGH PROFIT

Mr. Knappen said he knew one staff member who took a report to a commissioner which showed that a firm was earning at a rate of more than 15 percent.

"Isn't that interesting" the Commissioner said, taking the report from him and putting it back on the shelf.

The Federal Power Commission only has jurisdiction over wholesale interstate rates, so when it orders a refund from one supplier to another, there is no provision for passing any of it on to the consumer.

Mr. Knappen said he has run across a number of instances in which official transcripts of hearings were changed or doctored to suit someone's taste.

Once in a Kentucky case, he said, the treasurer of a company referred in testimony to his firm as having "sold the Treasury a bill of goods." The comment didn't appear in the official record.

In an Indiana case, someone remarked that something was missing from the transcript and the attorney for a company said to a group of people, "Well, I cooperated with the stenographer to clean up the record."

Sometimes, Mr. Knappen said, things are removed without anyone asking. It even happened to him. He said he once made a statement at a hearing embarrassing to himself. He had calculated some figures on the stand, adding that he would be glad to stand corrected. He was corrected a few minutes later.

But when the transcript appeared, Mr. Knappen's first calculations had been removed. He said stenographers possibly take it upon themselves to eliminate things they consider unnecessary, or perhaps something embarrassing, out of sympathy for the witness.

BRIBERY

Other obstacles to reaching a just conclusion in a regulatory case have included bribery and even keeping an official on the payroll of a utility company. That is to say nothing of the weight that mere friendship can carry.

There are, of course, thousands of ways in which books and figures can be shifted, to hide or pad items.

As if all these potential obstacles aren't enough, some commissions simply have too small a staff to watch over the utilities under their jurisdiction.

And, with utility costs constantly going down and earnings up, any commission is hard put to keep up with the current situation.

The timelag involved in laborious administrative procedure (and sometimes judicial as well) makes it nearly impossible. If a rate reduction is threatened, a company can usually think of many ways to delay the day when it is ordered, just as those on the consumers' side can try to postpone an increase.

OFFICE OF THE COUNTY BOARD,
Arlington, Va., August 21, 1963.
STATE CORPORATION COMMISSION,
Richmond, Va.

GENTLEMEN: At its August 10, 1963 meeting the Arlington County Board unanimously voted to accept the recommendation of its Public Utilities Commission and authorized the forwarding to the State Corporation Commission of a request that the commission, on its own motion, issue a show cause order to the Virginia Electric & Power Co. asking that company to appear and give justification for the rate of return now being earned and to show cause as to why its rates for electric service in Virginia should not be further reduced. In support of its request the board offers the following:

On March 1, 1954, the Virginia Electric & Power Co. instituted new electric rate schedules, pursuant to a decision of the State Corporation Commission in case No. 11788, which was handed down on December 30, 1953. In its decision, the commission stated (at p. 66 of 1954 SCC annual report), "In the light of all the testimony of record, it is our opinion that a proper rate of return is in the vicinity of 6 percent." (The commission actually allowed 5.87 percent.) While minor downward adjustments have been made in the Vepco rates, an examination of the earnings and rate of return, developed for each of the succeeding years on the same basis as that employed by the majority in rendering the decision, reveals a steady climb upward from 6 percent. The following table reflects increased rates of return on net investment in plant and allowances (rate base) enjoyed by the company since the change of the rates in 1953. The data are system results which include minor and relatively insignificant amounts of plant, revenues and expenses attributable to the gas portion of the business and to those portions of the electric business in North Carolina and West Virginia.

	Percent
1954	5.68
1955	5.82
1956	5.95
1957	6.18
1958	6.21
1959	6.28
1960	6.28
1961	6.48
1962	7.03

The earnings and profits for Vepco have increased substantially by virtually every standard of analysis which may be applied as is illustrated in the table below:

	Return on common stock equity [1]	Return on total capital	Equity per share of common split basis
	Percent	*Percent*	
1954	10.44	5.92	$7.02
1955	11.35	5.95	7.46
1956	11.57	6.13	8.03
1957	10.99	6.18	9.23
1958	10.97	6.25	9.86
1959	9.97	6.17	11.11
1960	10.37	6.21	11.70
1961	11.19	6.66	12.28
1962	12.09	7.28	12.97

[1] Ratio of earnings per share to equity per share.

During the years since the 1953 rate case, the stock has been split 2 for 1 in 1957 and 3 for 2 in 1963, with the price of the stock having increased very substantially as the dividend rate was increased at least once in each of the years. The trends of earnings, dividends and stock prices are shown below (all figures are adjusted for stock splits in 1957 and 1963):

	Earnings per share	Dividends per share	Price of common stock [1]
1954	$0.73	$0.4667	$10.10
1955	.85	.5166	12.96
1956	.93	.5833	14.23
1957	1.01	.6501	15.99
1958	1.08	.6834	22.33
1959	1.11	.7332	24.33
1960	1.21	.8000	29.71
1961	1.37	.8668	39.33
1962	1.57	.9332	37.69
1963 (12 months ended June)	1.58	.9332	
1963 (indicated for year)		.9866	
1963 (to Aug. 1)			44.37
1963 (current annual rate)		1.0400	

[1] Prices are averages of high and low for each period.

A comparison of the results of operations of the electric portion of the business for the period ended December 31, 1962, with those for the 12 months ended June 30, 1953, which were used in the 1953 rate case, presents, the Arlington County Board believes, a prima facie case for a prompt review of the rate structure of the Virginia Electric & Power Co. Using, as nearly as is practicable, the same basis for developing net operating income, rate base, and rate of return as was employed by the majority in the 1953 decision, it appears that the rate of return for this company has increased from the 5.87 percent allowed to about 7 percent in 1962. The comparative results are shown below.

[Dollar amounts in thousands]

	1953 rate case [1]	1962
RATE BASE, END OF PERIOD		
Electric plant	$329,828	$815,054
Electric portion of common utility plant	3,706	6,883
Plant acquisition adjustments	17,254	
Miscellaneous plant		1,441
Total plant investment	350,788	823,378
Reserves:		
Depreciation:		
Electric plant	$39,535	$124,297
Electric portion, common plant	251	891
Amortization of plant acquisition adjustments	11,078	
Total reserves	50,864	125,188
Plant investment less reserves	299,923	698,190
Working capital:		
Materials and supplies	9,291	11,546
Cash (40 days)	4,460	7,210
Total working capital	13,751	18,756
Rate base, end of period	313,954	716,946
NET OPERATING INCOME		
Operating revenues	76,559	170,937
Operating revenue deductions:		
Operating expenses	40,134	65,716
Depreciation	5,735	19,871
Amortization of acquisition adjustments	1,113	
Taxes:		
Federal income:		
Currently payable	7,584	[2] 22,931
Deferred	934	[3] 1,687
Other	5,457	13,876
Net operating income	15,602	46,856
Add interest during construction	728	3,310
Balance	16,330	50,166
Deduct charitable donations	85	[4] 150
Total	16,245	50,016

See footnotes at end of table.

[Dollar amounts in thousands]

	1953 rate case [1]	1962
NET OPERATING INCOME—con.		
Adjustment for increased rates	2,201	
Earnings during period	18,446	50,016
Rate of return (earnings per rate base)	5.87	6.99

[1] From decision, pp. 61–66 of SCC 1954 Annual Report.
[2] Includes downward adjustments for declining balance, $2,130,000; guideline lives, $761,000; and investment tax credit, $1,885,000, as reported in company reports.
[3] Includes downward adjustment of $1,045,000 for portion of current income tax provided in prior years, as reported in company reports.
[4] Estimated.

The rate of return for Vepco, instead of fluctuating about the 6-percent level which the State corporation commission said was appropriate in 1953, actually reached the 7-percent level in 1962, and based on current information the rate continues to climb. The stockholders have benefited greatly as their dividends per share have increased 123 percent since 1954. At the same time, the residential user of electricity who is unable to take advantage of the new promotional rates, is eligible for a maximum annual rate saving of but 60 cents. In view of these facts, and those contained in the body of this letter, the Arlington County Board believes that the Virginia Electric & Power Co. should be required to come before the commission and justify the rate of earnings being earned and to show cause as to why its earnings level should not be adjusted downward to the level authorized by the commission in the 1953 rate case.

The Arlington County Board respectfully requests that the commission, on its own motion, issue such a show cause order, and further requests that the commission keep the board fully informed as to any and all proceedings which may develop from this request.

Very truly yours,
THOMAS W. RICHARDS,
Chairman, Arlington County Board.

ANALYSIS OF EARNINGS AND RATES OF TWO VIRGINIA UTILITIES

I. VIRGINIA ELECTRIC AND POWER COMPANY

Virginia Electric and Power Co.'s present rates became effective March 1, 1954, pursuant to the corporation commission's order of December 30, 1953 (case No. 11788; 9 PUR3d 225). The Board of Supervisors of Arlington County appealed the commission's decision but it was affirmed by the Virginia Supreme Court of Appeals on April 25, 1955 (87 SE2d 139; 8 PUR3d 120). Since becoming effective, the rate schedules have undergone certain minor revisions such as changes in the minimum bill.

In its order of December 30, 1953, the commission found that a rate of return of about 6 percent was proper on a rate base reflecting year-end original cost less book reserve plant balances. The revenues allowed actually produced a return of 5.87 percent on the test year rate base, which included allowances for cash working capital,[1] materials and supplies, construction work in progress, and plant acquisition adjustments. The net utility income reflected the deduction of charitable contributions, the amortization of plant acquisition adjustments, and interest charged to construction. On this basis we calculate the company's 1960 return earned at 6.36 percent.

At the time of the 1953 proceeding, the company held certificates of necessity en-

[1] The allowance was equal to 40 days' operating expenses and was not offset by tax accruals.

abling it to accelerate the amortization of certain facilities for Federal income tax purposes. Subsequent to January 1, 1954, the company had the option of utilizing one of the forms of liberalized depreciation on all additions to plant but it was not until 1960 that it used this option to reduce taxes by $420,000.

In contrast to the commission's treatment of rate base and income items in the 1953 case, we have calculated VEPCO's rates of return earned for each of the calendar years 1956 through 1960 by utilizing ratemaking principles which we have advocated in other jurisdictions. We used an average rate base for each year since the plant represented by the average investment in any year is most properly related to the income produced in the same year. The average rate base included materials and supplies, plant acquisition adjustments, and an offset for accumulated deferred taxes resulting from the rapid amortization of emergency facilities.[2] Relating reported net utility income, normalized for income taxes deferred by rapid amortization, to the rate base, we calculate the following:

	Percent
1956	6.85
1957	7.18
1958	7.14
1959	7.09
1960	6.93

If we had allowed for working capital in arriving at the average rate base, the rates of return might be slightly lower. For instance, the 1960 return would be 6.84 percent if an allowance equal to 40 days' operating expense were made. In a rate case, we would propose offsetting any cash working capital allowance with funds available to the company because of income tax accruals and/or lack of synchronization in collecting revenues and paying expenses. Although the rates of return would be affected by including in the rate base any items in construction work in progress which are actually in service, an estimate of items in service at specific dates would require analysis of the company records. Thus, the above rates of return may not be precisely those arrived at after a full-scale analysis for a rate proceeding, but they are a reasonable approximation.

Recent press reports indicate that the company's 1961 earnings have improved, rising from $1.86 per share for calendar 1960 to $1.95 per share for the 9 months ended September 30, 1961, on an annual basis. For the same period in 1960, earnings were $1.82 on an annual basis.

Over the 5-year period 1956–60, the company's net investment in total plant increased from $407 to $590 million. Over the same period the net investment in electric plant rose from $385 to $558 million. Installed electric generating capacity increased from 845 megawatts at December 31, 1955, to 1,507 megawatts at the end of 1959. The addition of modern generating equipment reduced the investment in that plant from $147 to $132 per kilowatt of installed capacity. Production expenses exclusive of fuel declined from 0.736 mill per kilowatt-hour of net generation in 1955 to 0.564 mill in 1959. The company's operating ratio[3] declined slightly from 54.1 percent in 1956 to 52.7 percent in 1960. Thus, it appears that the company has been in a period of declining costs.

To compare Norfolk's residential electric bills with those in other cities, we selected from the Federal Power Commission's typical electric bills, 1961, 11 cities in the South Atlantic Division and 1 Kentucky city.[4] The South Atlantic Division is comprised of 8 States, 7 bordering the Atlantic coast from Delaware to Florida, West Virginia, and the District of Columbia. We tabulated and averaged typical bills in cities with populations ranging from 50,000 to 1 million because of our desire to include the rates of all large companies in these States. Comparing typical bills in Norfolk with the mean average for the 12 cities shows that customers of Vepco pay higher bills at the minimum and at the 25 kilowatt-hour, 100 kilowatt-hour, and 250 kilowatt-hour consumption levels.

At the 40 kilowatt-hour and 500 kilowatt-hour consumption levels, residential bills in Norfolk are slightly lower than the average bills in the 12 comparable cities. In neighboring North Carolina, residential bills are lower at virtually all levels of consumption.

The comparison of industrial bills is complicated by the number of rate schedules available to customers. Assuming that all customers would avail themselves of the favorable tariff for their demand and consumption, we considered the lowest bill for each level of demand and consumption. We attempted to select cities or areas in the South Atlantic region with industrial facilities similar to those in Norfolk. Admittedly, this is a matter of judgment. Comparing the mean average of the bills in 10 other cities with those in Norfolk, we found that typical bills were lower for Norfolk industrial customers at 6 of the 10 consumption levels for which bills were reported. Contrasting the Appalachian Power Co.'s bills with Vepco's reveals that the Norfolk rates were higher in only three of the categories reported. Bills in North Carolina cities were consistently below those in Norfolk.

Although Vepco's earnings are high in our estimation, we believe that the regulatory climate of the Commonwealth of Virginia would thwart any attempt to obtain a rate reduction at this time.

II. CHESAPEAKE & POTOMAC TELEPHONE CO. OF VIRGINIA

The present rates of the Chesapeake and Potomac Telephone Co. of Virginia were put into effect January 1, 1958, pursuant to the commission's December 31, 1957, order (case No. 13591; 21 PUR3d 239). The city of Lynchburg, et al., took an appeal from the order but the Virginia Supreme Court of Appeals affirmed it on March 16, 1959 (107 SE2d 462; 28 PUR3d 368).

In that case, the commission allowed a 6.38 percent rate of return on an original cost, less book reserve, year-end rate base. In addition to including in the rate base construction work in progress, plant acquisition adjustments, materials and supplies, and an allowance for cash working capital equal to 20 days' operating expenses, the commission rejected annualization of revenues and included an attrition allowance of $466,000 as an adjustment to test year utility income. Making these same adjustments to 1960 operating data, we calculate the company's earnings to be 6.56 percent. This is confirmed by section F of the company's answer to the city's inquiry as reported in the Richmond Times-Dispatch of April 6, 1961. According to that report, the corporation commission's routine investigation revealed that the company was earning a return of approximately 6.5 percent on an annual basis during the last 6 months of 1960.

As we did for Vepco, we have based our calculations on an average rate base including materials and supplies.[5] Relating the company's reported utility income, adjusted for its share of the parent company's income tax saving, to the rate base we have calculated the following rates of return:

	Percent
1956	6.83
1957	6.29
1958	[1] 7.65
1959	7.65
1960	7.67

[1] Increased rates effective January 1.

The same infirmities discussed in connection with the analysis of Vepco's rates of return earned apply in this case although the weaknesses are probably even less significant.

The adjustment made to net income referred to above is commonly known as the "NARUC adjustment" and has been used in rate proceedings by many State commissions. Essentially, the NARUC adjustment imputes a debt ratio to the operating companies in the Bell System equivalent to the debt ratio of the consolidated sytem. The adjustment is especially important in considering the earnings of a company such as C. & P. which has no outstanding publicly held debt and therefore does not have the tax advantage of large interest deductions. Rather, these advantages accrue to and are retained by the parent company in its capacity as financing vehicle for the system.

In addition to indicating, from our point of view, that the company's earnings are excessive, this analysis also demonstrates that earnings have been relatively stable since the commission's 1957 order. However, some of the stability results from including the NARUC adjustment from parent company taxes. Without this adjustment, earnings for 1958, 1959, and 1960 would be 7.11, 7.30, and 7.19 percent of the average rate base, respectively. The effect of the 1957 rate case is also apparent in the company's operating ratio, which for the 5 most recent years has been as follows:

	Percent
1956	66.42
1957	68.02
1958	[1] 61.96
1959	60.91
1960	60.66

[1] New rates.

Any comparison of telephone rates must take into consideration not only the size of the cities but also the companies' relative costs of service and the number of telephones in each calling area. Although the company indicates that rate comparisons are of little value because of the variation in these factors among cities, it presented in section E of its answer to the city a tabulation of telephone rates in various cities scattered over the entire country. Apparently the companies were selected so that 10 would have business line rates higher than Norfolk's and 10 would have rates below those in Norfolk.

The costs of service in the company's selected cities would undoubtedly vary widely because of the variations in economic and geographic conditions over the country. The number of telephones in the service areas also varies widely with Norfolk falling some 50,000 below the median of 241,000. The nearby cities of Charlotte, Greensboro, Winston-Salem and Raleigh—all with more than 60,000 phones in their calling areas—are conspicuous by their absence from the tabulation, although Mr. Cash reveals on page 8 of his August 25 letter that the rates in all four cities are considerably less than C. & P.'s. Even with all these infirmities the company's tabulation shows that Norfolk's residential rates are fourth or fifth highest depending on whether individual line or two-party service is considered.

It is evident that C. & P.'s rates are not low. More important, the company's earnings, in our opinion, are excessive. However, as indicated by the commission's review of C. & P.'s 1960 operations, little hope exists for reducing rates at this time.

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[2] Accumulated deferred taxes under section 168 of the Internal Revenue Code are treated as temporary interest-free loans by the Government.

[3] Ratio of operating expenses, including depreciation, to operating revenues.

[4] Tennessee was initially considered but deleted because of TVA's abnormally low generation costs.

[5] No plant acquisition adjustments or accumulated deferred taxes were recorded.

FLORIDA EAST COAST RAILWAY STRIKE

Mr. MORSE. Mr. President, in a speech on the evening of February 5, I drew the attention of the Senate to a railroad strike in Florida and to various abuses of power by the Alfred I. du Pont estate, which controls the struck Florida East Coast Railway.

I pointed out that this Du Pont estate is among other things, a large bank holding company, but it is not registered under the Bank Holding Company Act of 1956. Both this Florida Du Pont estate and the Florida East Coast Railway are run by the same man, Mr. Edward Ball.

Mr. President, the past few days have brought important and dangerous developments in this Florida railroad strike. The latest of these developments are described in articles published in the New York Times of yesterday and today.

I shall read the first few paragraphs of yesterday's New York Times story, as follows:

BAL HARBOUR, FLA., February 18.—Assistant Secretary James J. Reynolds said tonight he would recommend that the Florida East Coast Railway be denied access to Cape Kennedy and adjacent Merritt Island.

Mr. Reynolds returned here from Daytona Beach, where he had been unsuccessful in getting the road's officials to resume negotiations with representatives of the 11 nonoperating unions that have been on strike for 13 months.

Mr. President, in my speech on the night of February 5, I expressed some criticisms of James Webb, Director of NASA, who had announced that NASA was going to make this spur available to Mr. Ball.

I pointed out that Director Webb's position was contrary to the recommendations of the Presidential Board of Inquiry established to investigate this dispute.

It is the old story of turning labor matters over to defense experts. That is always a mistake, for we have learned to our great regret, time and time again, that to do so does not protect the freedom either of American workers or American management.

As I said on the night of February 5, during the war we did not do that, we turned labor matters over to a War Labor Board, tripartite in nature, consisting of an equal number of public, employer, and labor representatives.

Mr. President, the strength of our democracy is found in our ability to adhere to our system of economic freedom in times of crisis. In our system we do not and we cannot substitute military procedures for peaceful methods for the settlement of labor disputes.

On the night of February 5, I warned—before any crisis had arisen—that we were headed straight into a crisis. Subsequent events have proved how right I was. We are not through with that crisis.

The free workers in this country are not going to work under the tyrannical regime that Mr. Ball is attempting to establish on the Florida East Coast Railway.

I return to the New York Times article:

Labor Secretary W. Willard Wirtz has asked Edward Ball, chairman of the road, and G. E. Leighty, chairman of the Railway Labor Executives Association, to meet with Mr. Reynolds in an attempt to set up procedures for resolving the violent dispute.

Mr. Ball went to Daytona Beach, but insisted that a court reporter be present to record this discussion with Leighty.

Mr. President, imagine seeking to carry on mediation with a court reporter present. It is just not done in this professional field by any mediator. Mr. Reynolds was quite right in following a course of action which the story in the New York Times now records.

I wish to pay my high respects to Assistant Secretary of Labor James Reynolds. So far as I am concerned, no one could be higher on the list of rated ability in the field of labor relations and labor negotiations than Mr. James Reynolds.

Mr. Reynolds said he would not permit the reporter to record the informal discussion. It was unnecessary in a conference of honorable men, he said, and would inhibit the freedom of talk.

As a result Mr. Reynolds met separately with Mr. Ball and three other executives of the company. He proposed that wages and other issues be submitted to binding arbitration.

Mr. Leighty agreed to accept binding arbitration, but there appeared to be no prospect of it in view of Mr. Ball's adamant position.

Mr. President, today's story in the New York Times gives some additional comments by Mr. Reynolds, as follows:

At a press conference he criticized Mr. Ball's attitude and said his labor relations philosophy had no place in this century.

It is a rather interesting story, and reads in part as follows:

BAL HARBOUR, FLA., February 19.—The Railway Labor Executives Association called on President Johnson today to reverse what it called the provocative opening of a Government-owned railroad spur at Cape Kennedy for the use of the struck Florida East Coast Railway.

Meanwhile, a subcommittee of the President's Missile Sites Labor Commission was expected to convene in Florida this week to seek a solution to the dispute at the Space and Missile Center.

The difficulties at Cape Kennedy grew out of picketing by the striking railroad men when the Florida East Coast started to move freight into the facility last week.

The subcommittee—David L. Cole, John T. Dunlop, and William Simkin; Director of the Federal Mediation and Conciliation Service—will examine only the involvement at Cape Kennedy and the potentially disruptive effect of continued use of the partly completed spur there.

Mr. President, I digress to say that Mr. David L. Cole, John T. Dunlop, and William Simkin are recognized in the field of labor relations work as three of the most able mediators and arbitrators in this country. All of these three men performed outstanding work for us on the Railway Labor Board during my service on the board during the war.

I continue to read from the article in the New York Times.

James J. Reynolds, Assistant Secretary of Labor, was unsuccessful yesterday in getting railroad officials and representatives of the 11 nonoperating unions on strike to engage in direct bargaining.

When Edward Ball, chairman of the Florida East Coast, refused a proposal for binding arbitration, Mr. Reynolds said he would recommend that the railroad be denied access to the spur for transporting materials to the space center.

In other words, his recommendation would be directly opposite to the position taken by Mr. Webb, the head of NASA, a position that Mr. Webb never should have taken in the first place, because he should have known that this involved basic policy problems of great concern to our country and to the administration.

The National Aeronautics and Space Administration announced last week that it would permit the railroad to use the new spur.

The Presidential board of inquiry that studied the strike recommended against opening the spur to the railroad last fall. But NASA took the view that it was obligated by contract to permit the railroad to use it.

Union picket lines temporarily halted construction at the cape. Picketing was stopped by a temporary restraining order, which later expired, but the unions have agreed to hold off picketing temporarily and to give 72 hours' notice before resuming it.

Mr. Reynolds said today that continued use of the spur by the railroad during the strike could have a disruptive effect on operations and construction at the space center.

Mr. President, the labor philosophy of Mr. Ball is obviously the philosophy of such 18th century individualism that he seems to be of the opinion that in 1964 labor is a commodity and must be required to work under such conditions and for such wages as an employer proposes to give labor—take it or else—forgetting the fact that the rights of management are as limited as the rights of labor, in that neither has the power of autocracy and that both must be required to comply with the overall public interest.

That is a lesson which Mr. Ball and a few remaining antiunion tyrants in this country have never learned.

Mr. President, from my study of this situation I agree wholeheartedly with the views voiced by Assistant Secretary of Labor Reynolds.

Mr. Edward Ball has steadily refused to negotiate in any significant way throughtout this 13-month-old strike. He has made no settlement offer whatever for 13 months. He has rejected the recommendations of a Presidential Emergency Board, which the unions accepted. He has repeatedly refused all pleas to arbitrate, while the unions have agreed to do so.

He continues to make money at the expense of the American taxpayers. He is perfectly willing to take a direct and indirect subsidy benefit. Let us not forget that the great defense program which feeds this railroad in no small part amounts to a form of subsidy.

Mr. Ball, in fact, threatens to torpedo our whole voluntary system for handling railroad labor disputes under the Railway Labor Act.

Mr. President, this gentleman, Mr. Ed Ball, is primarily a banker. He runs a great chain of 31 banks in Florida. These events, I think, demonstrate very clearly that a banker of this kind has no business running a railroad.

The only reason Mr. Ed Ball is in charge of the Florida East Coast Railroad today is that the Du Pont estate, which he runs, was exempted from the

Bank Holding Company Act. Next Wednesday, I intend to offer a bill to end this unjustifiable special-privilege exemption from this act.

Why was this major bank holding company with its 31 banks excluded from coverage of the Bank Holding Company Act? During Senate hearings on that bill, back in 1955 and 1956, this very question was raised. It was raised by my good friend from Illinois [Mr. DOUGLAS], among others.

And the reply given by other Senators at the hearings was this: The Alfred I. du Pont estate's money, they said, goes primarily for charity—to aid crippled children.

Mr. President, in making that reply, our colleagues were misled. Someone had misled them. From the very beginning, nearly all the Du Pont estate's large income has gone to the late Mr. du Pont's widow, Mrs. Jessie Ball du Pont.

I have here a certified copy of the annual accounting of the Du Pont estate's trustees, filed with the circuit court of Duval County, Fla., on January 27, 1964, covering the year 1963.

This accounting shows the Du Pont estate received income of $9,546,025.11 in 1963. The accounting shows that after certain expenses and after certain small annuities paid to other persons, the annuities payable to Mrs. Jessie Ball du Pont by the estate last year totaled $8,591,889.28.

Over $8½ million of income to one lady is not charity. Let us not forget that she has been receiving vast sums of money for more than 20 years out of this estate under the direction of Mr. Ed Ball, her brother.

Mrs. du Pont, in fact, must have received more income last year than almost any other member of her sex in the world. I am told, for example, that the yearly allowance of Queen Elizabeth of England amounts to £475,000. That is about $1,425,000. Mrs. du Pont's income far overshadows that of the Queen of England.

No, Mr. President, the Alfred I. du Pont estate is not a charitable organization, and it never has been.

Let us not forget that when she gets this money, it is subject to her disposal; she can do with it what she wishes. As Senators will see in a moment, what is left over at the time of her death is another matter. It is true that Mrs. du Pont assigned about 12 percent—12 percent of more than $8 million—of her Du Pont estate income last year to a charitable foundation for crippled children. After deducting this 12 percent assigned to charity, she had left $7,584,862.57.

Back in 1955 and 1956, if it had not been for the representation that this estate was a charitable institution—which it is not—the Du Pont estate would have been brought under the Bank Holding Company Act. If it had been brought under the Bank Holding Company Act, it could not possibly have maintained its interest in both the Florida East Coast Railway and in its numerous banks—it would have had to divest one or the other. One of the purposes of the Bank Holding Company Act is to prevent great financial institutions, great banking combines, from having a stranglehold on any segment of the American economy, for we know that monopoly is irreconcilable with economic freedom; monopoly is irreconcilable with competitive freedom.

The public policy behind the Bank Holding Company Act of 1955 and 1956 is a policy to protect the American people, to protect American consumers, to protect American taxpayers, to protect all of us from being required to have our economic rights, our economic freedom, jeopardized by powerful financial combines. So a part of the purpose of the Bank Holding Company Act was to require great financial banking institutions to divest themselves of such operations as the Florida East Coast Railway. That is what ought to have been done. It is what, in my judgment, must be done now in the interest of the people of Florida and of the country.

I repeat, so that there will be no question about my emphasis on this point, that after Mrs. du Pont last year deducted 12 percent of her income for charitable purposes, she had left $7,584,862.57 for her personal use. It is also true that after Mrs. du Pont's death, the income now going to her will go wholly to the foundation for crippled children. But that does not make the estate a charitable foundation or institution now. During the lifetime of this lady, there can be a powerful combine, as I pointed out in my speech on the evening of February 5, exercising in no small degree a choking stranglehold on the economy of the State of Florida. I specified on the night of February 5 how Mr. Ball has said to the communities of Florida in which the estate has its properties, "I will pay this amount of taxes, and no more." His political power, his economic power, his despotism are so great that in many parts of Florida he rules with an iron economic hand. We must find out whether he is bigger than the Government.

I shall give the Senate and the House of Representatives an opportunity to cast their votes on that subject, for I shall seek to bring this financial tyranny under the control of the Bank Holding Company Act. Once it is placed under the Bank Holding Company Act, the problems of the Florida East Coast Railway will vanish, because Mr. Ball will then have to dispose of its property, as he should have been required to do years ago.

Mr. President, I do not begrudge this lady her ample income. I have been told she is a fine lady. I wish her a long life. I mention Mrs. du Pont's income now solely because the phony charity excuse was used to justify excluding the Du Pont estate from the Bank Holding Company Act. Senators were misled on the matter.

Mr. President, as I said, the man who runs the Du Pont estate is Mrs. du Pont's brother, Mr. Edward Ball, and Mr. Ball has gravely abused the vast economic power left in his hands by the Du Pont's estate exemption from the Bank Holding Company Act.

Mr. Ball has abused his power over his railroad, the Florida East Coast Railway. Mr. Ball has abused his power by refusing to pay the property taxes owed by this railroad. Mr. Ball has abused the power given by the vast landholdings he controls to defy the highway authorities in Florida. I fully documented those statements in my speech the other night.

We in Congress have let Mr. Ball keep all his vast power by exempting the Du Pont estate from the Bank Holding Company Act. That act required other bank holding companies to divest themselves of control over all nonbanking enterprises. The Du Pont estate was not required to do so.

It is an estate the chief characteristic of which is the operation of 31 banks. This gives it the most powerful financial influence in the entire State of Florida. The Du Pont estate, with its 31 banks, was not covered by the Bank Holding Company Act. I suggest it is time to do so now.

The "charity" excuse offered for the Du Pont empire was not valid. I repeat: Senators were misled; Mrs. du Pont gets the money—Mr. Ball gets the power, which he then proceeds to abuse. We should no longer make a special exception for these people. We should bring them under the Bank Holding Company Act and keep them there.

I ask unanimous consent that a portion of the 24th annual report of the trustees of the Alfred I. du Pont estate, entitled "Schedule 'G'—Income cash disbursements," be printed at this point in the RECORD.

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

SCHEDULE G

Income cash disbursements

Jan. 1, 1963 to Dec. 31, 1963 inclusive:	
Trustees' fees:	
Jessie Ball du Pont	$5,000.00
Elbert Dent	5,000.00
Florida National Bank of Jacksonville	2,000.00
Total	12,000.00
Nemours estate maintenance	209,939.98
Trustees' miscellaneous expense	255.26
Ulmer, Murchison, Kent, Ashby, and Ball, retainer	1,200.00
Interest paid on bank loans	19,312.50
Florida intangible tax	353,877.69
State and county real estate taxes	10,735.47
Printing and other costs pertaining to booklet	60,614.93
Jessie Ball du Pont, preferred annuity	200,000.00
Other annuities as follows:	
Mary E. Brereton	1,200.00
Charlotte Lee Cannon	5,000.00
Katherine Lee Chatfield	5,000.00
Mrs. H. E. Crist	800.00
James Dolan	1,200.00
Catherine C. Gardner	1,800.00
Elizabeth Saxon Jakes	500.00
Margaret H. Kyle	1,200.00
L. Vandergrift Lee	5,000.00
Maurice du Pont Lee	15,000.00
Maurice du Pont Lee, Jr.	5,000.00
Richard H. Lee	5,000.00
Marga Lee Mahony	5,000.00
Anne Evans Matthewson	1,200.00
Mary G. Shaw	1,200.00
Laura Calhoun Walls	900.00
Irene Walsh	1,200.00
A. C. Denise du Pont Zapffe	30,000.00
Total	86,200.00
Residual annuity, Jessie Ball du Pont	8,391,889.28
Less 12 percent assigned to Nemours Foundation	1,007,026.71
Total	7,384,862.57
Plus income balance reserved on Dec. 31, 1962	200,000.00
Total	7,584,862.57
Less income balance reserved on Dec. 31, 1963	200,000.00
Total	7,384,862.57
Nemours Foundation 12 percent of residual income under irrevocable assignments	1,007,026.71
Total income disbursements, Jan. 1, 1963, to Dec. 31, 1963	9,346,025.11

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ARREST OF MISS CAROLE ELAINE MERRITT IN CANTON, MISS.

Mr. LAUSCHE. Mr. President, I have received a number of letters from citizens in Cincinnati, Ohio, discussing the plight of Miss Carole Elaine Merritt, who is held in jail in Canton, Miss., in connection with a movement of Negroes to attempt to attain certain objectives.

I know nothing about the merits of the charges that were placed against her. However, I am told that she is required to post a $500 property bond to procure her release pending trial. The pledgers, friends of hers, have offered to post $500 in cash; but seemingly, under the law, the enforcement officials have the right to reject that type of bond and insist that a $500 property bond be posted.

She has not been able to procure the $500 property bond. She has been able to procure $500 in cash—which her pledgers are willing to post.

I cannot understand why it should be insisted that the $500 in cash is not acceptable, and that a $500 real property bond has to be posted with the court.

The Constitution provides that people shall be allowed, pending criminal proceedings, to be released on the posting of adequate bail. Whether this lady is guilty of the offense with which she has been charged, I do not know, as I have said; but I am certain that if I am relating the facts; namely, that it is insisted that she post a $500 real property bond, and that the $500 in cash is not acceptable, justice is not being done.

I called the Department of Justice, and discussed this subject, and asked the Department, through its representatives, to check into the matter. I was told that it will do so. I hope the Department will be able to accomplish something in behalf of getting this lady released, so there will be accorded her the justice to which she is entitled under the U.S. Constitution.

Carole Merritt is a very superior young woman who won a scholarship to Vassar College from Cincinnati, Ohio, Vassar Club and graduated from Vassar cum laude.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ALLIANCE FOR PROGRESS HAS LAGGED FAR BEHIND HOPES

Mr. MORSE. Mr. President, in the current issue of the Hadassah magazine appears an article entitled "Squalor and Wealth: Alliance for Progress Has Lagged Far Behind Hopes." The article was written by the Senator from Alaska [Mr. GRUENING].

As I have been heard to say before, I repeat that I do not know of a keener student and scholar of Latin American problems than the Senator from Alaska. He has been the author of many writings on Latin America; and his book on Mexico is still a standard reference in the universities of this country, in connection with any course dealing with United States-Mexican problems.

The Senator from Alaska does well to point out, in the article, that our responsibility in regard to Latin America is to see to it that we do a better job of exporting to Latin America the institutions of economic freedom, for it is impossible to solve the problems of squalor until something is done about putting food into empty stomachs. Empty stomachs do not make for vigorous exponents of our wishes, when it comes to a matter of a political ideology. So if we do something to help raise their standard of living—and that was the great vision of President Kennedy at the time when he initiated the Alliance for Progress program—we have a much better chance to stem the tide of communism in Latin America.

So I compliment the Senator from Alaska for this penetrating article; and I ask unanimous consent that it be printed at this point in the RECORD.

Mr. GRUENING. Mr. President, I thank the Senator from Oregon for his courtesy and his kind words. Coming from him, the knowledgeable chairman of the Subcommittee on Inter-American Affairs, his words constitute, for me, the highest tribute which could be rendered on the floor of this body.

Mr. MORSE. I thank the Senator from Alaska.

Mr. MANSFIELD. Mr. President, I join the distinguished Senator from Oregon in extending congratulations to the Senator from Alaska, because he is, and has been for decades, a recognized authority in the field of Latin-American affairs; and when he speaks or writes on that subject, his words are well worth the attention of the Senate and the entire country.

Mr. GRUENING. Mr. President, I am very grateful to the distinguished majority leader for his kind words, even though they may not be fully deserved. I appreciate the wonderful support he has continually given in connection with these matters. He, himself, is an expert on foreign affairs, as his every utterance demonstrates, as well as on domestic matters.

Mr. MANSFIELD. The words are very well deserved; otherwise they would not have been spoken.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

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

SQUALOR AND WEALTH: ALLIANCE FOR PROGRESS HAS LAGGED FAR BEHIND HOPES

(NOTE.—The violence in Panama last month is symptomatic of the volcanic emotions of the impoverished people of Latin America described in this exclusive article by Senator ERNEST GRUENING. The achievements and failures of the Alliance for Progress in dealing with this explosive situation are analyzed by the Senator from Alaska.)

(By ERNEST GRUENING)

Addressing Latin American diplomats and Members of Congress and their wives at a White House reception on March 13, 1961, less than 2 months after his inauguration, President John Fitzgerald Kennedy launched the Alliance for Progress. It proposed a cooperative effort for the economic and social rehabilitation of Latin America. It projected a great vision. It offered, by means of a major joint undertaking, to try to bring the Latin American nations abreast of mid-20th century potentials.

Reviewing the similarities in the histories of the republics of the Western Hemisphere—their self-establishment as self-governing nations—the late President then pointed out their great deficiencies in economic well-being. He depicted the contrast between their abundant natural resources and "the daily degradations of hunger and poverty" suffered by millions of Latin Americans. He stressed their lack of decent shelter, their ill health and inadequate protection from disease, their widespread illiteracy.

These conditions, he said, made for the infiltration of alien forces, seeking again to impose on the people of the New World the despotisms of the Old, with ideologies foreign to the freedom visioned by the great leaders of Latin American independence, Bolivar and San Martin, and by our own founders; and that the peril had never been greater than now.

President Kennedy was referring to the Communist takeover in Cuba and to the danger that similar overthrows would take place in other neighboring countries. Unquestionably the Communist infiltration and capture of Cuba, the first of its kind in the Western Hemisphere, gave both impetus and urgency to the proposal for the Alliance for Progress.

Throughout these messages, President Kennedy repeatedly stressed the need of the recipient nations enacting measures of self-help.

"Only the most determined efforts of the American nations themselves can bring success to this effort," he said in his White House address of March 11, 1961.

"Its effectiveness depends on the willingness of each recipient nation to improve its own institutions, make necessary modifications in its social patterns and mobilize its own domestic resources for a program of development," he said in his March 14 message to Congress, and then specified: "Even at the start such measures will be a condition of assistance. * * * Priorities will depend not merely on need, but on the demonstrated readiness of each government to make the institutional improvements which promise lasting social progress."

And twice again in the same message he stressed these conditions:

"When each nation demonstrates its willingness to abide by these general principles, then outside revenues will be available."

Finally the late President declared: "So that each recipient nation will live up to the principles of self-help and domestic reform outlined above, funds will not be allocated until the operating agency receives assurances that the country being aided will take those measures necessary to insure that the

particular project brings the maximum social progress."

The two basic principles stressed by President Kennedy as essential to the successful functioning of the Alianza Para El Progreso (to give it its Spanish name); namely, (1) the strengthening of democratic institutions and safeguarding of human rights, and (2) the intensification of self-help, were affirmed by a meeting of the Foreign Ministers of the American Republics, meeting at Punta del Este, Uruguay, in January 1962. Thus these principles and conditions received bilateral assent and sanction from both the United States and the Republics to the south of us.

How has the Alianza fared since then?

The realistic answer must be highly qualified.

But, first, let it be said that in the writer's view, the purpose of the program is noble, its objectives desirable, and its value, if achievable, unquestioned.

Unfortunately, in its execution, performance, and results have lagged far behind hopes.

To date, the United States has poured somewhat in excess of $7 billion into 28 countries to the south of us. This figure may cause surprise, since there are only 20 Latin American Republics, 18 of them Hispanic-American, while the official language of Brazil is Portuguese, and that of Haiti, French. But the United States has also given aid to the United Kingdom's colonies of British Guiana and British Honduras, to Surinam (Dutch Guinea), Trinidad, Tobago and Jamaica, also until very recently British colonies. (Personally, I consider that folly. The mother country should have furnished the aid, if it was required; but that is another matter.)

As for our Latin American aid, there is not too much to show for this vast expenditure. In two of the largest countries, Argentina and Brazil, into which nearly a billion and two billion dollars have gone respectively, the money has, in my judgment, been totally wasted.

The fault, in my view, is Uncle Sam's. We have not lived up to the specific prescription of reform and self-help required of them in President Kennedy's repeated assertions. In both countries the governments have been unstable, dependent on the whim of the military, and unable or unwilling to make—and keep—commitments of self-help.

At this point it might be desirable to indicate what some of the measures of self-help specified by President Kennedy as prerequisites to our aid are, and why.

Nearly all of the Latin American countries (there are a few exceptions) have a feudal structure at the top of which a plutocracy, composed of a relatively few families, allied with the military, controls the wealth and power. These families manage the nation's finances and resources. They own most of the land. In contrast, the vast majority live in abject misery. A typical illustration of this contrast exists in almost every Latin-American city where the luxurious palaces of the few and mighty look down on the vast and loathsome slums of the many. This contrast has never seemed to trouble the consciences of the intrenched oligarchy.

What President Kennedy was in effect asking was that the ruling powers distribute some of their vast landholdings equitably; cease their usurious lending practices—36 percent a year is not uncommon; tax themselves—which they have never done; permit the new revenues to go to social and economic betterment of the masses; and invest their own funds at home rather than stash them away in Swiss banks. So far the response in many Latin-American countries has been negligible. Maybe it was naive to expect this power elite to depart from encrusted practices, to divest itself of some of its riches and pelf so that the masses on whose backs its affluence rests can improve their living standards. But the alternative to this proposed evolutionary approach, as President Kennedy sought to make clear, was bloody revolution, which in this day probably means another Castro-Communist type of takeover.

Yet, despite noncompliance, the United States has repeatedly made lavish grants and so-called loans to Brazil, whose repeated promises for anti-inflation measures and other reforms have never been kept. Similar departure from the prescribed Alliance principles has characterized our relations with Argentina.

In other countries also—Peru, Ecuador, Guatemala, and more recently the Dominican Republic and Honduras—the duly elected regimes, chosen by as close an approximation to free and democratic elections as those countries have ever known, were overthrown by military juntas, using as the instruments of overthrow the tanks, airplanes and machineguns furnished by the United States, presumably for hemispheric defense. These military coups, bringing to power by force irresponsible elements with whom it is impossible to work out an assured economic and social program (to which they are generally hostile), nullify the efforts previously made by the United States and consign the funds already advanced to the familiar "down the drain."

Some three-quarters of a billion dollars have already been wasted on military aid to Latin America. The United States has aggravated the situation by not holding firm in nonrecognition and withholding of aid to the usurping juntas. After a brave show of nonrecognition and cancellation of aid in Peru, the policy was reversed and aid resumed 2 weeks later.

Such a vacillating and shilly-shallying policy engenders no respect for the United States or confidence in its pronouncements. If continued it will spell the end of the Alliance for Progress. However, in November 1963, the U.S. Senate, belatedly assuming some of its constitutional responsibility to be watchful of the authorization of funds, amended the Foreign Assistance Act to eliminate military aid to Latin America. Like all such provisions, it was qualified by giving the President the right to make exceptions where, in his judgment, the national interest required it.

In other countries our program appears to have fared better. It is too early to so state categorically. But in a number of the small Central American countries, and in Colombia and Venezuela and Chile, efforts are being made to carry out those nations' responsibilities under the prescriptions laid down by the author of the Alliance, President John F. Kennedy, and ratified by the conference at Punta del Este. Concomitantly schools, housing, clinics, roads, technical assistance, and other material benefits have flowed from U.S. dollars and are tangible and visible evidences of the U.S. high purpose.

The need is so great, however, and so undercut by the population explosion—greater in Latin America than elsewhere—that only a mighty cooperative effort and reform will spell the progress to which the Alliance is dedicated. For only by adherence to the mutuality of the effort can the program advance. The fault in not insisting upon adherence to the prescribed conditions lies with the U.S. administration of the program.

What is needed, in short, is selectivity. We should work with those nations—and only with those nations—that are willing to work with us for the common and highly desirable objectives of the Alliance.

To achieve these objectives through democratic processes was an integral part of President Kennedy's proposal. But let no one be deluded that this goal is easy of attainment. The history of most—though by no means all Latin American countries—is that of alternation between chaos and dictatorship. One may observe pertinently that in their mother countries, Spain and Portugal, after a thousand years of exposure to Western European civilization, there are still dictatorships (the dictatorships of Franco and Salazar) while their people enjoy none of the basic freedoms—of press, speech and assembly—that the Alianza hoped to inculcate along with economic progress.

True, the Alliance is scarcely 3 years old; it must be tried further before final judgment can be rendered on it.

But, unless that further trial rigidly adheres to the sound principles predicated for it, it will be a failure.

One basic fact that the administrators of our foreign aid program have lost sight of needs to be stressed. It is this: No country is obliged to accept our aid. Neither is the United States obligated to give aid to any country. Unless these twin axioms are to govern our actions in the administration of the foreign aid program, of which the Alliance for Progress is a part, we can face only disillusion and failure.

The purpose of the Alliance is too worthy to be allowed to fail. But it has failed in part to date, and will fail completely unless it becomes a two-way enterprise, instead of what it has been, a careless and prodigal disbursement of American funds without vigilance and determination as to their ultimate useful application.

PROGRAM IN CONNECTION WITH H.R. 6196, THE COTTON-WHEAT PROGRAM

Mr. MANSFIELD. Mr. President, before I move that the Senate take a recess until tomorrow, I wish to announce that after consultation with the distinguished minority leader and with other Senators who have been consulted, it is our intention, following the reading of George Washington's Farewell Address, to have the Senate proceed to the consideration of House bill 6196, the cotton-wheat bill, which has been reported from the Committee on Agriculture and Forestry.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I am very cognizant of the Senator's problems in connection with scheduling measures for consideration, and so forth; but I think this matter should not be passed over without elucidation.

I preface my remarks by saying that I realize that the Senator from Montana has very great problems in connection with scheduling the consideration of measures; second, in no way do I challenge his desire—and it is urgently mine—to schedule the consideration of the civil rights bill and to have it disposed of, although we know its consideration will take a considerable length of time.

However, we have been carried along here, without anyone's really raising hob about the situation, and have waited for the conference report on the tax bill to be made, although normally there would have been an adjournment, and the second reading of the civil rights bill would have been in order, and it could have been placed on the calendar, and could have been brought up for consideration. A question of proportion is always involved. So, Mr. President, many of us felt—although we were most unhappy about it—that that was one of the facts of life with which we had to live, and

that it would take a few days, and then that would be done.

In the cloakrooms there has been talk to the effect that the farm bill would be brought up first, and thus would to that extent delay the Senate's consideration of the civil rights bill.

So I wish to ask this question—and I emphasize the fact that I am not doing this idly or on a nit-picking basis: Should it appear—assuming that the tax bill will finally be disposed of by Wednesday, let us say—that, come Wednesday night or Thursday, the farm bill is still being debated—and, after all, it could be filibustered, too—could the Senator from Montana, in all fairness to him and to his many responsibilities and obligations—give us some outline of his plans?

If we are to let the farm bill run its course and to hold the civil rights bill out of consideration until the farm bill has run its course, some of us would have strong objections.

I merely lay that point before the Senate, without jumping to conclusions, as a problem not only for me, but for the country. There has been a great deal of talk in the newspapers about the fact that civil rights bill will be stalled. We all understand that the newspapers like to write things in a dramatic way, but I do think it would be helpful for the Senator to state—if he feels he can—his full purpose.

Mr. MANSFIELD. Mr. President, the question raised by the distinguished Senator from New York is a legitmate one. I have been in close contact with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], about our plans. He has always given me the utmost of cooperation, understanding, and tolerance. As we all know, it is the understanding as of the moment that it will be Tuseday before the House will be able to take up the conference report on the tax bill. We hope to take it up as shortly thereafter as it is possible to do so.

We do not know how long it will take to dispose of the farm bill, but it is anticipated that if it is not disposed of by Tuesday or Wednesday—and I doubt that it will be—the farm bill will be laid aside and the conference report on the tax bill will be taken up.

We hope that there will be no dilatory or delaying tactics and that as soon as the farm bill, the conference report on the tax bill and the authorization for military procurement—which I understand will not take too much time—are disposed of, we shall face the civil rights bill with our decks as clear as possible.

I assure the Senator—and I am sure he knows this—that there is no attempt to stall the civil rights bill. But the Senator has been a Member of both Houses long enough to understand some of the difficulties that confront the leadership from time to time, and to be aware of the pressures which descend upon on us on occasion, with which we find it quite difficult to cope.

Mr. JAVITS. Mr. President, will the Senator yield further? He has been very gracious.

Mr. MANSFIELD. I yield.

Mr. JAVITS. I do not desire to put any words in the Senator's mouth, but may we assume, first, that what the majority leader proposes is that the only two that will be considered are the farm bill and the military procurement bill with the conference report on the tax bill, which in any event has priority under the rules, to come in Tuesday or Wednesday, and that then the civil rights bill will be considered? Second, those of us who may feel that other measures would take too long, thus defer the civil rights bill too long, I assume would have, under the procedures which we follow, a number of opportunities, if the Senate set aside the farm bill for the conference report on the tax bill, and then came back to it. I assume that if we strongly objected to taking it up again, we could have a vote on that question. If we came to the military procurement bill, we could proceed in the the same way.

Two items should be cleared of record: First, an understanding with the majority leader as to the bills which will come before the civil rights bill; and, second, the fact that no opportunity will be foreclosed—as a number of Senators may feel that considerations of the two bills to which I have referred will take longer than we have any right to defer the civil rights bill—to an appropriate way to get at that issue.

Mr. MANSFIELD. My answer to the first question would be "Yes." However, if bills of minor importance, about which there should be no difficulty, are reported, I assume that the Senate would allow us to bring them up for passage or consideration.

Mr. JAVITS. I understand that.

Mr. MANSFIELD. Second, I hope that the Senator from New York will not bind the hands of the leadership, because we do not wish to take away the rights of any Senator. I assure the Senator that once the bill is called up, it will not be called up for the purpose of being laid aside. There will be plenty of time to devote to the civil rights bill. I am sure, the Senator is aware, that it will take not weeks, but very possibly months, before we can come to a definitive conclusion on that matter. So, if the Senator and the Senate would allow us a little flexibility, we would appreciate it most deeply, because our task is not too easy.

Mr. JAVITS. If the Senator will indulge me, certainly we are assured that the controversial bills—the farm bill and the military procurement bill—are the only two bills which will stand in the way. Second, the Senator will have to move to take up the farm bill and the military procurement bill. If any of us feel strongly about the order of precedence at that time, we shall naturally have an opportunity to bring before the Senate that issue. I hope we will not have to.

Mr. MANSFIELD. That right is the right of every Senator. But, as always, the leadership anticipates that Senators will give us their most serious consideration and cooperation.

Mr. JAVITS. Would the Senator be willing to estimate the time when the civil rights bill would be taken up under that schedule?

Mr. MANSFIELD. I could not give an answer to that question until we get underway on the farm bill. Then I would be able to answer the question better, but it will be as soon as possible.

Mr. JAVITS. I do not like to have the Senator engage in suppositions. I know the Senator has read, as I have, speculation on the intercession of a farm bill between the present time and the time of taking up the civil rights bill. I think it would be most reassuring if the Senator should choose—and I submit it to the Senator—to tell the Senate what will be done if there is an inordinate delay.

For example, suppose there were a filibuster against one of the other bills. Will the Senator continue in his determination to bring up the civil rights bill within a very proximate time?

Mr. MANSFIELD. Yes.

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

Mr. MANSFIELD. I am delighted to yield.

Mr. DIRKSEN. Mr. President, I would say on behalf of the majority leader that at least on four separate and distinct occasions we have conferred with respect to bringing up the farm bill. At the very first of those meetings, I told him there was some opposition on this side, and there was the expressed hope that perhaps it could be deferred until after civil rights came up for consideration in the Senate.

At the second meeting I had occasion to confer with the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Delaware [Mr. WILLIAMS], all of whom have quite an abiding interest in the farm bill. As a result of the many conversations that have taken place within the past 2 days, it was quite agreed that the farm bill could be laid before the Senate as of tomorrow, after the reading of Washington's Farewell Address.

So I think we have composed all of our differences on this side, in the hope that we can dispose of the farm bill, and, for as long as it takes, the military procurement bill, about which there is some urgency, and then proceed to civil rights. Then we will stay on civil rights. I think that it is the distinguished majority leader's intention, once we take up civil rights, to stay with it until we either resolve the issue or discover there is no sword sharp enough to cut the Gordian knot.

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

Mr. DIRKSEN. I yield.

Mr. JAVITS. Would the Senator answer the same question I propounded to the majority leader? Would the minority leader join with the majority leader in the statement that should there prove to be an inordinate delay with respect to these measures, which will be interposed, that such delay will not be permitted to defer the consideration of the civil rights bill beyond that reasonably proximate time within which the leader had intended to bring it up?

Mr. DIRKSEN. Speaking only for the minority leader, it would be easy for me to give the Senator from New York that assurance, because my attitude on the

farm bill is anything but a felicitous one.

It strikes a note of deep and durable unhappiness in me. In my present frame of mind, I expect to oppose it on every possible count, so that if it tailed off, with the hope that perhaps it could be cast into outer darkness, it would make the minority leader happy indeed. But I do not wish to speak for the majority leader on that point.

Mr. JAVITS. I believe the majority leader has already answered the question, but being a fairly experienced lawyer, I will not ask the majority leader again.

Mr. MANSFIELD. But I have an abiding faith in the understanding and tolerance of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]—an abiding faith based on long personal experience.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, reserving the right to object, may we know what the request is?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MANSFIELD. Mr. President, what was my request? I have forgotten it.

The PRESIDING OFFICER. To take up the farm bill tomorrow.

Mr. MANSFIELD. No; I am not making that request. I merely have announced to the Senate that it is the intention of the leadership, at the conclusion of the reading of the Washington's Farewell Address, to lay before the Senate H.R. 6196, the agricultural bill on cotton and wheat, reported from the Committee on Agriculture and Forestry.

Mr. MILLER. 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. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BEEF AND VEAL IMPORTS

Mr. MILLER. Mr. President, yesterday I received a telegram from a man in Oklahoma City. I think he expressed a timely thought, and I should like to quote it:

> Beef imports based on 1962–63 quotas—
>
> He wired—
>
> is like throwing a drowning man a life line with a rock tied to it.

He went on to say that the cattlemen are in trouble and that, to survive, they need action now. He ended the telegram with a plantive cry of "help."

I concur. I have been calling on the administration to do something about the beef and veal import problem for a year. I agree with the senior Senator from Nebraska [Mr. HRUSKA], who, on February 18, said the agreement entered into with Australia and New Zealand represented a surrender on our part—see pages 3082–3086, CONGRESSIONAL RECORD, February 18, 1964.

I believe that selecting the 2 highest import years and using the average as the limitation base for 1964 imports does not meet the problem. It is only a token gesture.

So I have joined in a bill introduced by the distinguished majority leader [Mr. MANSFIELD], which would provide a base or limitation represented by the average of the last 5 years of imports of these items. I think this is a far better solution to the problem than what has been a voluntary measure. Although I have some reservations about the bill, we want to see some action taken; and the fact that the majority leader has seen fit to introduce the legislation speaks for itself.

I fear that if we do not meet the problem without further delay, the situation this year may worsen.

I suggest the possibility that if all the beef and veal exporting countries eventually come under the terms of the new agreement, beef and veal imports into the United States this year may well be higher, not lower, than in 1963.

I realize that press releases on the agreement with Australia and New Zealand suggest that the 1964 importation level will be 6 percent lower than in 1963. If this 6-percent stipulation were applied to all types of imports of beef and veal—based on the assumption that all exporting nations will eventually be covered by the agreement—imports of all types of beef and veal would drop to 1,095,175,000 pounds—product weight—from the 1963 total of 1,165 million pounds—estimated. But this will not happen under the agreement. Moreover, imports should be rolled back much more than that.

Let me explain. There is a defect in the agreement. Australia and New Zealand propose to limit exports to the United States of beef and veal "in all forms except canned, cured, and cooked meat and live animals." But these excepted items are still included in the totals for 1962 and 1963, which establish the base for continuing future limits.

Granted canned, cured, and cooked meat represents today only a minor portion of the imports from Australia and New Zealand. Nevertheless, these products should have been excluded from the base, and it is unlikely that other countries will accept a different base when agreements are negotiated with them.

In 1963, total imports of canned, cured, and cooked beef and veal amounted to approximately 114 million pounds—one-tenth of the total beef and veal imports. If exclusion of these canned, cured, and cooked meats from the base were provided for by all agreements covering all imports, the 1964 ceiling on beef and veal imports—other than canned, cured, and cooked—would be 987 million pounds, one hundred and eight million pounds less than it will be. So, Mr. President, as the result of this defect in the agreement we can expect 108 million pounds of imports of fresh and frozen bone and boneless beef and veal which should not come into this country to aggravate the markets of our livestock feeders and our cattlemen.

In addition, as I have pointed out, the agreement fails to put any limitation at all on the amounts of canned, cured, and cooked meat imported into this country.

And if you do not think that this will occur, I should like to invite the attention of the Senate to a press release of January 26 by the Australian Minister for Primary Industry, the Honorable C. F. Aderman.

In agreement with the Australian livestock industry, it is planned "to introduce legislation in the next session of Parliament to give effect to industry proposals for meat market diversification."

The legislation, according to the release, will take the form of imposing a levy on all cattle over 200-pound dressed weight, sheep and lambs slaughtered for human consumption "to provide the finance necessary to undertake additional measures to diversify markets for Australian meat."

Continuing:

> Without doubt, the continued prosperity of the Australian meat industry is bound up with the necessity to insure that satisfactory arrangements are made to preserve our existing markets and to develop new ones. The proposed legislation is aimed at the maximum development of the domestic market and diversification of export markets in the long-term interests of the Australian meat industry.

There, in a nutshell, is what Australia plans to do. And we can rest assured that this diversification will be felt here.

But there are other weaknesses in that agreement negotiated by the United States.

In its press release, the State Department said that "both exporting countries have agreed that the proportion of primal cuts, such as steaks or roasts, should not exceed approximately the current levels."

In a background statement to Members of Congress, the State Department had this comment:

> Agreements provide that the proportion of primal cuts—i.e., better-quality cuts such as steaks and roasts—in each country's beef and veal shipments to the United States is not to exceed the present percentage these cuts constitute in the country's total beef and veal exports to the U.S. market.

"Not to exceed the present percentage" is underlined.

Parenthetically, I might add the State Department says that imports of primal cuts have been blamed by the domestic cattle industry as important causes of low prices. Australian exports to the United States of this grade, incidentally, amount to about 5 percent of their total.

Now let us turn to the text of the Australian note to the United States—the New Zealand text is worded similarly:

> Australia shall use its best endeavors to limit its exports to the United States of better-quality primal cuts of beef and veal, such as steaks and roasts, approximately to the percentage these cuts currently constitute of total annual exports of beef and veal from Australia to the United States.

Note the difference in wording—the United States says the two have agreed to a limitation; Australia and New Zealand both say they shall use their "best endeavors" to limit its export of this type of cuts.

Thus, in my mind at least, it is questionable whether those countries must limit this type. And if their "best endeavors" do not prove good enough, they could actually step up these imports.

Mr. President, there are commitments in that agreement: it assures these nations a definite share of our market; it may assure, in effect, that the Congress cannot take any action to correct the situation and if it does, the President may be obligated to veto the measure.

I ask unanimous consent that the State Department press release and the press statement of the Australian Minister may be printed in the RECORD.

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

UNITED STATES CONCLUDES MEAT AGREEMENTS WITH AUSTRALIA AND NEW ZEALAND

The Governments of Australia and New Zealand have agreed to limit meat exports to the United States, the Departments of State and Agriculture announced today.

Australia and New Zealand are the principal suppliers to the United States of beef and veal. The agreements announced today were concluded because U.S. imports of these products have increased markedly the past few years. Beef cattle prices are low and declined importantly in 1963. Low domestic prices were mostly caused by heavy domestic production of fed beef. However, analysis by the U.S. Department of Agriculture show that imports also were a contributing factor.

The agreement with Australia covers beef, veal and mutton in all forms other than canned, cured and cooked meats and live animals. The one with New Zealand covers only beef and veal. Australia is the only substantial foreign supplier of mutton to the U.S. market. Mutton is partially interchangeable in use with manufacturing beef, the kind of beef which constitutes the bulk of American imports.

Australia has agreed to limit its exports in 1964 to 242,000 long tons (542 million pounds), in 1965 to 251,000 long tons (562 million pounds) and in 1966 to 260,000 long tons (582 million pounds) product weight of the meats covered in its agreement.

New Zealand has agreed to limit its exports in 1964 to 103,000 long tons (231 million pounds), in 1965 to 107,000 long tons (239 million pounds) and in 1966 to 111,000 long tons (248 million pounds) product weight of the meats covered in its agreement.

The quantities for 1964 reflect the average level of U.S. imports from each country in 1962 and 1963. The quantities specified for 1965 and 1966 are calculated at an annual growth rate of 3.7 percent based on the agreed limits for 1964 exports. This growth rate corresponds to the expected rate of increase in the total U.S. market for these meats. The agreements provide for triennial review of this growth factor and adjustment as appropriate for each succeeding period.

The agreements provide for preservation of the present pattern of trade in meat products between the United States and Australia and New Zealand. Both exporting countries have agreed that the proportion of primal cuts, such as steaks or roasts, should not exceed approximately the current levels.

The agreements represent an important contribution to the stability of the meat industries of the three countries. U.S. domestic producers and Australian and New Zealand suppliers will be able to share equitably in the growth in the U.S. market.

The United States has received assurances from both Australia and New Zealand that in implementing the agreements they will not discriminate against U.S.-owned meat-industry interests in their countries.

Both agreements are of indefinite duration, but they may be terminated by either party upon at least 6 months' notice prior to the end of any calendar year.

The three Governments agreed on the desirability of expanding world trade in meat and meat products. To that end they reaffirm their intention to continue efforts under the General Agreement on Tariffs and Trade (GATT) to negotiate broader international arrangements to expand access of meat exporting countries to all major world markets. The agreements with Australia and New Zealand could be incorporated into such a broader arrangement.

TEXT OF AUSTRALIAN NOTE TO THE UNITED STATES

I have the honor to refer to recent discussions in Washington between representatives of the Government of Australia and the Government of the United States with regard to the desire of the Government of the United States to arrive at an understanding concerning the level of future exports of Australian beef, veal, and mutton to the United States. As a result of these discussions, I have further the honor to propose that the following agreement shall become effective between our Governments:

The Governments of Australia and the United States have agreed to the following measures in the interest of promoting the orderly development of trade in beef, veal, and mutton between Australia and the United States. In assuming the following obligations, the Governments of Australia and the United States are seeking as well to preserve approximately the present pattern of trade in beef, veal, and mutton between the two countries.

1. Accordingly, the Australian Government shall limit exports from Australia to the United States of beef, veal, and mutton (in all forms except canned, cured, and cooked meat and live animals), in accordance with the following:

(a) Exports shall be limited to a total of 242,000 long tons in calendar year 1964, 251,000 long tons in calendar year 1965, and 260,000 long tons in calendar year 1966, all in terms of product weight.

(b) In each succeeding calendar year there shall be an increase, corresponding to the estimated rate of increase in the total U.S. market for these meats. This increase in the total U.S. market is presently estimated to be 3.7 percent annually.

(c) The purpose of the annual increases established in paragraphs (a) and (b) is to secure to Australia a fair and reasonable share in the growth of the U.S. market. There shall be a triennial review and, as appropriate, an adjustment of this estimated rate of increase in consumption to apply to the succeeding 3-year period. The first such review shall take place no later than October 1, 1966.

(d) Australia shall maintain approximately the present relationship between beef and mutton exports to the United States.

(e) Australia shall use its best endeavors to limit its exports to the United States of better-quality primal cuts of beef and veal, such as steaks and roasts, approximately to the percentage these cuts currently constitute of total annual exports of beef and veal from Australia to the United States.

2. Australia undertakes to limit its exports to the United States upon the understanding that Australia will not be adversely affected by such limitations in relation to the position of other substantial suppliers in the U.S. market and so long as Australia's access to the U.S. market for beef, veal, and mutton is not limited by an increase in the duties of these products.

3. The U.S. Government shall continue to permit access each year into the United States of beef, veal, and mutton exported from Australia, up to the maximum quantity determined for that year in accordance with provisions of paragraphs 1(a) and 1(b) of this agreement.

4. The Governments shall continue to take an active and leading role in negotiating in the GATT, in harmony with the objectives agreed at the ministerial meeting of the GATT in May 1963, arrangements leading to expanding access in meat importing countries.

5. Should such a wider international arrangement be reached, it could subsume this agreement.

6. The Governments agree to consult, at the request of either Government, on any questions arising on the implementation of this agreement.

7. Either Government may terminate this agreement, effective at the end of a calendar year, by written notice given at least 180 days prior to the end of that calendar year.

If these proposals are acceptable to your Government, this note and your note of acceptance shall form an agreement between our Governments.

Accept, sir, the renewed assurances of my highest consideration.

TEXT OF U.S. NOTE TO AUSTRALIA

EXCELLENCY: I have the honor to refer to your note of February 17, 1964, concerning trade in beef, veal, and mutton between Australia and the United States which reads as follows:

"I have the honor to refer to recent discussions in Washington between representatives of the Government of Australia and the Government of the United States with regard to exports of Australian beef, veal, and mutton to the United States. As a result of these discussions, I have further the honor to propose that the following agreement shall become effective between our Governments:

"The Governments of Australia and the United States have agreed to the following measures in the interest of promoting the orderly development of trade in beef, veal, and mutton between Australia and the United States. In assuming the following obligations, the Governments of Australia and the United States are seeking as well to preserve approximately the present pattern of trade in beef, veal, and mutton between the two countries.

"1. Accordingly, the Australian Government shall limit exports from Australia to the United States of beef, veal, and mutton (in all forms except canned, cured, and cooked meat and live animals), in accordance with the following:

"(a) Exports shall be limited to a total of 242,000 long tons in calendar year 1964, 251,000 long tons in calendar year 1965, and 260,000 long tons in calendar year 1966, all in terms of product weight.

"(b) In each succeeding calendar year there shall be an increase, corresponding to the estimated rate of increase in the total U.S. market for these meats. This increase in the total U.S. market is presently estimated to be 3.7 percent annually.

"(c) The purpose of the annual increases established in paragraphs (a) and (b) is to

secure to Australia a fair and reasonable share in the growth of the U.S. market. There shall be a triennial review and, as appropriate, an adjustment of this estimated rate of increase in consumption to apply to the succeeding 3-year period. The first such review shall take place no later than October 1, 1966.

"(d) Australia shall maintain approximately the present relationship between beef and mutton exports to the United States.

"(e) Australia shall use its best endeavors to limit its exports to the United States of better quality primal cuts of beef and veal, such as steaks and roasts, approximately to the percentage these cuts currently constitute of total annual exports of beef and veal from Australia to the United States.

"2. Australia undertakes to limit its exports to the United States upon the understanding that Australia will not be adversely affected by such limitations in relation to the position of other substantial suppliers in the U.S. market and so long as Australia's access to the U.S. market for beef, veal, and mutton is not limited by an increase in the duties on these products.

"3. The U.S. Government shall continue to permit access each year into the United States for beef, veal, and mutton exported from Australia, up to the maximum quantity determined for that year in accordance with the provisions of paragraphs 1(a) and 1(b) of this agreement.

"4. The Governments shall continue to take an active and leading role in negotiating in the GATT, in harmony with the objectives agreed at the ministerial meeting of the GATT in May 1963, arrangements leading to expanding access in meat importing countries.

"5. Should such a wider international arrangement be reached, it could subsume this agreement.

"6. The Governments agreed to consult, at the request of either Government, on any questions arising on the implementation of this agreement.

"7. Either Government may terminate this agreement, effective at the end of a calendar year, by written notice given at least 180 days prior to the end of that calendar year.

"If these proposals are acceptable to your Government, this note and your note of acceptance shall form an agreement between our Governments."

I have the honor to confirm on behalf of the Government of the United States that the agreement outlined in your note is acceptable to the U.S. Government and will govern trade in beef, veal, and mutton between Australia and the United States.

Accept, Excellency, the renewed assurances of my highest consideration.

(For the Secretary of State).

TEXT OF NEW ZEALAND NOTE TO THE UNITED STATES

SIR: I have the honor to refer to recent discussions in Washington between representatives of the Government of New Zealand and the Government of the United States with regard to the desire of the Government of the United States to arrive at an understanding concerning the level of future exports of beef and veal from New Zealand to the United States. As a result of these discussions, I have the honor to propose that the following agreement shall become effective between our Governments:

The Governments of New Zealand and the United States have agreed to the following measures in the interest of promoting the orderly development of trade in beef and veal between New Zealand and the United States. In assuming the following obligations, the Governments of New Zealand and the United States have agreed on the desirability of preserving approximately the present pattern of trade in these products between the two countries.

1. Accordingly, the New Zealand Government agrees to limit exports from New Zealand to the United States of beef and veal (in all forms except canned, cured, and cooked meat and live cattle), in accordance with the following:

(a) Exports shall be limited to a total of 103,000 long tons in calendar year 1964, 107,000 long tons in calendar year 1965, and 111,000 long tons in calendar year 1966, all in terms of product weight.

(b) In each succeeding calendar year there shall be an increase, corresponding to the estimated rate of increase in the total U.S. market for these meats. This increase in the total U.S. market is presently estimated to be 3.7 percent annually.

(c) The purpose of the annual increases established in paragraphs 1(a) and 1(b) is to secure to New Zealand a fair and reasonable share in the growth of the U.S. market. There shall be a triennial review and, as appropriate, an adjustment of this estimated rate of increase in consumption to apply to the succeeding 3-year period. The first such review shall take place no later than October 1, 1966.

(d) The New Zealand Government shall use its best endeavors to limit exports from New Zealand to the United States of better quality primal cuts of beef and veal, such as steaks and roasts, approximately to the percentage these cuts currently constitute of total annual exports of beef and veal from New Zealand to the United States.

2. The New Zealand Government shall limit exports from New Zealand to the United States upon the understanding that New Zealand will not be adversely affected by such limitations in relation to the position of other substantial suppliers in the U.S. market and so long as New Zealand's access to the U.S. market for beef and veal is not limited by an increase in the duties on these products.

3. The U.S. Government shall continue to permit access each year into the United States for beef and veal exported from New Zealand, up to the maximum quantity determined for that year in accordance with the provisions of paragraphs 1(a) and 1(b) of this agreement.

4. The Governments shall continue to take an active and leading role in negotiating in the GATT, in harmony with the objectives agreed at the ministerial meeting of the GATT, in May 1963, arrangements leading to expanding access in meat importing countries.

5. Should such a wider international arrangement be reached, it could subsume this agreement.

6. The Governments agreed to consult, at the request of either Government, on any questions arising on the implementation of this agreement.

7. Either Government may terminate this agreement, effective at the end of a calendar year, by written notice given at least 180 days prior to the end of that calendar year.

If these proposals are acceptable to your Government this note and your note of acceptance shall form an agreement between our Governments.

Accept, sir, the renewed assurances of my highest consideration.

TEXT OF U.S. NOTE TO NEW ZEALAND

EXCELLENCY: I have the honor to refer to your note of February 17, 1964, concerning trade in beef and veal between New Zealand and the United States which reads as follows:

"I have the honor to refer to recent discussions in Washington between representatives of the Government of New Zealand and the Government of the United States with regard to the desire of the Government of the United States to arrive at an understanding concerning the level of future exports of beef and veal from New Zealand to the United States. As a result of these discussions, I have the honor to propose that the following agreement shall become effective between our Governments:

"The Governments of New Zealand and the United States have agreed to the following measures in the interest of promoting the orderly development of trade in beef and veal between New Zealand and the United States. In assuming the following obligations, the Governments of New Zealand and the United States have agreed on the desirability of preserving approximately the present pattern of trade in these products between the two countries.

"1. Accordingly, the New Zealand Government agrees to limit exports from New Zealand to the United States of beef and veal (in all forms except canned, cured and cooked meat and live cattle), in accordance with the following.

"(a) Exports shall be limited to a total of 103,000 long tons in calendar year 1964, 107,000 long tons in calendar year 1965, and 111,000 long tons in calendar years 1966, all in terms of product weight.

"(b) In each succeeding calendar year there shall be an increase, corresponding to the estimated rate of increase in the total U.S. market for these meats. This increase in the total U.S. market is presently estimated to be 3.7 percent annually.

"(c) The purpose of the annual increases established in paragraphs 1(a) and 1(b) is to secure to New Zealand a fair and reasonable share in the growth of the U.S. market. There shall be a triennial review and, as appropriate, an adjustment of this estimated rate of increase in consumption to apply to the succeeding 3-year period. The first such review shall take place no later than October 1, 1966.

"(d) The New Zealand Government shall use its best endeavors to limit exports from New Zealand to the United States of better-quality primal cuts of beef and veal, such as steaks and roasts, approximately to the percentage these cuts currently constitute of total annual exports of beef and veal from New Zealand to the United States.

"2. The New Zealand Government shall limit exports from New Zealand to the United States upon the understanding that New Zealand will not be adversely affected by such limitations in relation to the position of other substantial suppliers in the U.S. market and so long as New Zealand's access to the U.S. market for beef and veal is not limited by an increase in the duties on these products.

"3. The U.S. Government shall continue to permit access each year into the United States for beef and veal exported from New Zealand, up to the maximum quantity determined for that year in accordance with the provisions of paragraphs 1(a) and 1(b) of this agreement.

"4. The Governments shall continue to take an active and leading role in negotiating in the GATT, in harmony with the objectives agreed at the Ministerial meeting of the GATT in May 1963 arrangements leading to expanding access in meat importing countries.

"5. Should such a wider international arrangement be reached, it could subsume this agreement.

"6. The Governments agree to consult, at the request of either Government, on any questions arising on the implementation of this agreement.

"7. Either Government may terminate this agreement, effective at the end of a calendar year, by written notice given at least 180 days prior to the end of that calendar year.

"If these proposals are acceptable to your Government this note and your note of acceptance shall form an agreement between our Governments."

I have the honor to confirm on behalf of the Government of the United States that the agreement proposed in your note is acceptable to the U.S. Government and will govern trade in beef and veal between New Zealand and the United States.

Accept, Excellency, the renewed assurances of my highest consideration.

(For the Secretary of State).

MEAT MARKETS PLAN: STATEMENT BY THE MINISTER FOR PRIMARY INDUSTRY, THE HONORABLE C. F. ADERMANN

The Minister for Primary Industry, Mr. C. F. Adermann, announced today that the Commonwealth Government has agreed to introduce legislation in the next session of Parliament to give effect to industry proposals for meat market diversification.

Mr. Adermann said the legislation would provide for the introduction of a levy on all cattle (over 200 pounds dressed weight), sheep and lambs slaughtered for human consumption to provide the finance necessary to undertake additional measures to diversify markets for Australian meat.

"The rate of levy will be fixed annually on the recommendation of the Australian Meat Board after consultation with the industry. The incidence of the levy will be borne by the producer sector of the industry, and provision will be made in the legislation for meat operators and selling agents to have the legal right to pass back the incidence of the levy at the time the stock are purchased for slaughter.

"The funds derived from the proposed slaughter levy would be used by the Australian Meat Board for market diversification and to undertake additional meat promotion in Australia and overseas," Mr. Adermann said.

There were special factors associated with the Australian meat export trade which pointed to the need for new measures in the marketing of Australian meat.

"Without doubt, the continued prosperity of the Australian meat industry is bound up with the necessity to insure that satisfactory arrangements are made to preserve our existing markets and to develop new ones. The proposed legislation is aimed at the maximum development of the domestic market and diversification of export markets in the long-term interests of the Australian meat industry," Mr. Adermann said.

The Minister said that provision would also be made in the legislation for the reconstitution of the membership of the Australian Meat Board. The reconstituted Board would comprise nine members—a chairman, five meat producer representatives, two meat exporter representatives and a Commonwealth Government representative.

Mr. Adermann said that the proposed livestock slaughter levy would replace the existing cattle slaughter levy and the current charge on meat exports. However, the cattle and beef research scheme would continue, part of the new levy being used to finance this research scheme.

"The principles of these proposals were submitted to the Government by the Australian Woolgrowers' and Graziers' Council and the Australian Wool and Meat Producers Federation. The proposals have been approved in principle by the Australian Agricultural Council, which includes all State Ministers for Agriculture, and by the Australian Meat Exporters' Federal Council," Mr. Adermann said.

"The initiative taken by the meat industry is an important step in the right direction. The proposals, when implemented, will contribute substantially to the future welfare of this great industry. As such, they have the full support of the Government," Mr. Adermann said.

DECLINE OF EGG PRICES

Mr. MILLER. Mr. President, the egg producers of the United States, in recent days, have seen the bottom drop out of their market.

Egg prices have declined by more than 12 cents a dozen and there is no assurance that the decline will not continue.

Market fluctuations are to be expected in any industry, but this one felt by the egg producers is particularly severe.

The Department of Agriculture correctly forecast last November that there would be a drop in prices in early 1964. But I am wondering why remedial measures could not have been set in motion to prevent a decline of such proportion.

On February 10, I addressed a letter to the Honorable Orville Freeman, Secretary of Agriculture, in which I pointed out the seriousness of the situation and asked whether there was any program relating to Government purchases of whole and dried eggs, or any other action taken to improve the situation.

I am pleased to report that last Wednesday evening the Secretary of Agriculture did take steps to ease the producers' plight by plans to make available soon dried eggs to families receiving foods under the direct food distribution program.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter of February 10 to the Secretary of Agriculture.

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

U.S. SENATE,
Washington, D.C., February 10, 1964.

Hon. ORVILLE FREEMAN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: The New York market on fancy large white eggs opened at 34 cents per dozen today. This is a drop of 11½ cents in 3 weeks. Corresponding losses have been reflected at Chicago and other commodity exchanges.

I recognize that in the November outlook issue on the poultry and egg situation, published by the USDA Economic Research Service, it was forecast that prices were likely to fall below the 1963 level in the first quarter of 1964.

Market fluctuations naturally are to be expected, but this one is particularly severe and is working hardship on farmers in the egg producing business.

I am wondering whether you have any program relating to Government purchases of whole or dried eggs or any other action designed to improve the situation.

Sincerely,

JACK MILLER.

Mr. MILLER. Mr. President, I believe the Department of Agriculture had sufficient knowledge of a trend to anticipate this problem before now:

The annual average of prices farmers received for eggs dropped from 36.2 cents a dozen in 1960 to 34 cents in 1963.

The average price of a dozen eggs as a percentage of annual averaged parity price declined from 76 percent in 1960 to 71 percent in 1963.

Per capita consumption of eggs dropped from 334 in 1960 to 316 last year.

A stepup in production is cited as one possible reason for the drop although available statistics do not indicate that this boost in production is so great as to have had a noticeable effect.

Another possible reason for part of the decline, I believe, could be attributed to the unpredictable Government purchasing policy, as well as the sharp drop in such purchases. I hope the Secretary's action of Wednesday will do much to correct this situation.

Government purchases of dried eggs, according to the January issue of the "Poultry and Egg Situation" put out by the Department, decreased from 1,763,000 cases in 1960 to 778,000 cases in 1963. In 1963, Government purchases were made in only 4 months while in 1960 such purchases were spread over 10 months. In 1961, Government purchases were made in only 6 months and in 1962, only 5 months.

It would seem that if the Government returned to a policy of spreading its purchases as was the case in 1960, it would do much to stabilize the market.

Secretary Freeman, in his statement of Wednesday, indicated as much when he said:

> Removal of surplus egg supplies will help also stabilize prices to producers during the coming peak season of production.

And perhaps the egg producers, at the same time, could intensify their efforts to open up new oversea markets for their products. It should be noted that in 1960 egg exports of frozen or preserved types totaled 2,640,000 pounds while in 1963 they had dropped to 801,000 pounds.

Perhaps an investigation is warranted, to determine the extent speculators may have had a hand in the severe market fluctuations.

These are all proposals which merit serious consideration if a repetition of the current problems are to be avoided.

I ask unanimous consent that the following tables and Department of Agriculture statement be placed in the RECORD:

First. "Factors in monthly supply of shell eggs, 1960 to date."

Second. "Number of layers on farms, rate of egg production, and total egg output on farms, by months, January 1957 to date."

Third. "Eggs, Exports, Imports."

Fourth. "USDA's Purchases, Dried Whole Egg Solids."

Fifth. "Text, Freeman's announcement on egg product purchases."

There being no objection, the material was ordered to be printed in the RECORD.

Factors in monthly supply of shell eggs, 1960 to date [1]

[In thousands of cases]

Year and item	January	February	March	April	May	June	July	August	September	October	November	December	Total
1960:													
Eggs produced on farms	15,092	14,319	15,542	15,356	15,753	14,442	13,936	13,344	12,672	13,117	13,144	14,092	170,809
Shell eggs to storage	116	41	−164	118	454	357	−81	−283	−263	−214	−173	−20	−112
Eggs broken commercially [2]	853	1,297	1,240	1,280	2,521	2,247	1,034	919	499	476	258	359	12,983
Eggs used for hatching	760	954	1,073	1,170	910	773	660	603	617	617	683	773	9,503
Balance	13,363	12,027	13,393	12,788	11,868	11,065	12,323	12,105	11,819	12,238	12,376	12,980	148,345
Government purchases: Dried [3]	255	248	202	116	25		376	282	222	29	8		1,763
1961:													
Eggs produced on farms	14,394	13,617	15,831	15,394	15,467	14,289	14,033	13,597	13,100	13,803	13,828	14,653	172,006
Shell eggs to storage	4	−31	2	27	160	127	−51	−34	−55	−80	−62	−44	−37
Eggs broken commercially [2]	792	797	1,100	1,726	2,088	1,977	1,302	1,059	772	801	790	786	13,990
Eggs used for hatching	861	1,155	1,260	1,167	910	823	731	635	621	627	677	787	10,254
Balance	12,737	11,696	13,469	12,474	12,309	11,362	12,051	11,937	11,762	12,455	12,423	13,124	147,799
Government purchases: Dried [3]		345	642	186	421	382	108						2,084
1962:													
Eggs produced on farms	14,708	13,736	15,961	15,653	15,872	14,656	14,395	13,919	13,439	14,114	13,947	14,561	174,961
Shell eggs to storage	−10	9	18	−4	267	75	−54	−93	−23	9	−74	−45	78
Eggs broken commercially [2]	812	938	1,457	1,562	2,277	2,230	1,713	1,238	815	704	584	534	14,865
Eggs used for hatching	801	1,102	1,197	1,153	907	823	747	699	741	737	737	789	10,433
Balance	13,105	11,687	13,289	12,942	12,421	11,528	11,989	12,075	11,906	12,664	12,700	13,283	149,585
Government purchases: Dried [3]			112	340	278	338	138						1,205
1963:													
Eggs produced on farms	14,369	13,333	15,736	15,656	15,867	14,733	14,594	14,208	13,625	14,244	14,136	14,675	175,175
Shell eggs to storage	−53	−35	22	5	144	74	−41	−27	−52	−17	−26	−44	−50
Eggs broken commercially [2]	650	737	1,333	1,860	2,169	1,850	1,481	1,715	778	725	629		
Eggs used for hatching	799	1,030	1,178	1,160	941	847	768	698	738	753	795	847	10,554
Balance	12,973	11,601	13,203	12,631	12,613	11,962	12,386	12,362	12,161	12,783	12,738		
Government purchases: Dried [3]				155	298	280	45						778

[1] 48 States.
[2] Excluding equivalent of Government purchases of dried or frozen eggs.
[3] Shell equivalent.

Source: Poultry and Egg Situation, January 1964, Economic Research Service, USDA.

Number of layers on farms, rate of egg production, and total egg output on farms, by months, January 1957 to date [1]

A. AVERAGE FOR THE MONTH

Item and year	Unit	January	February	March	April	May	June	July	August	September	October	November	December
Average number of layers on farms:													
1957	Million	333	325	316	305	294	284	280	286	300	313	321	324
1958	do	321	314	307	299	290	284	282	288	301	315	324	329
1959	do	327	321	316	308	297	286	281	286	299	311	317	319
1960	do	316	309	302	295	288	281	276	277	285	295	303	308
1961 [1]	do	306	301	297	292	286	281	279	282	293	303	309	312
1962 [1]	do	310	306	303	297	290	285	282	286	295	303	308	308
1963 [1]	do	306	302	300	296	291	287	286	289	295	302	306	307
1964 [1]	do												
Eggs laid per 100 layers:													
1957	Eggs	1,606	1,543	1,862	1,872	1,919	1,772	1,718	1,621	1,491	1,489	1,459	1,588
1958	do	1,664	1,537	1,806	1,861	1,933	1,796	1,757	1,660	1,530	1,564	1,548	1,632
1959	do	1,676	1,612	1,908	1,911	1,963	1,828	1,798	1,701	1,565	1,580	1,542	1,661
1960	do	1,719	1,667	1,851	1,873	1,969	1,850	1,816	1,736	1,601	1,600	1,561	1,649
1961 [1]	do	1,699	1,634	1,923	1,903	1,952	1,833	1,815	1,739	1,616	1,645	1,617	1,697
1962 [1]	do	1,713	1,618	1,902	1,901	1,972	1,859	1,840	1,757	1,646	1,680	1,637	1,706
1963 [1]	do	1,698	1,593	1,895	1,906	1,965	1,855	1,845	1,777	1,665	1,702	1,668	1,724
1964 [1]	do												
Total monthly egg production:													
1957	Million cases	14.9	13.9	16.3	15.9	15.7	14.0	13.3	12.9	12.4	13.0	13.0	14.3
1958	do	14.8	13.4	15.4	15.4	15.6	14.2	13.8	13.2	12.8	13.7	13.9	14.9
1959	do	15.2	14.4	16.7	16.3	16.2	14.5	14.1	13.5	13.0	13.6	13.6	14.7
1960	do	15.1	14.3	15.5	15.4	15.8	14.4	13.9	13.3	12.7	13.1	13.1	14.1
1961 [1]	do	14.4	13.6	15.9	15.4	15.5	14.3	14.1	13.6	13.1	13.8	13.9	14.7
1962 [1]	do	14.7	13.8	16.0	15.7	15.9	14.7	14.4	14.0	13.5	14.2	14.0	14.6
1963 [1]	do	14.4	13.4	15.8	15.7	15.9	14.8	14.6	14.2	13.7	14.3	14.2	14.7
1964 [1]	do												

B. FIRST-OF-MONTH

Number of layers on farms:													
1957	Million	337	328	321	310	300	289	279	280	292	309	317	324
1958	do	324	317	311	304	294	286	281	283	292	309	320	329
1959	do	330	324	319	312	303	291	281	282	291	306	315	319
1960	do	319	313	306	299	292	284	278	275	279	291	299	307
1961 [1]	do	309	303	299	295	289	283	280	279	286	299	306	311
1962 [1]	do	312	308	305	301	294	287	282	283	289	300	306	309
1963 [1]	do	308	303	301	299	294	289	285	286	291	300	305	307
1964 [1]	do	307											
Eggs laid per 100 layers:													
1957	Eggs	51.8	51.9	58.3	61.9	63.0	60.8	57.3	53.5	51.0	48.4	47.8	49.6
1958	do	52.9	54.5	55.3	60.8	63.2	61.5	58.2	55.1	52.0	50.0	50.9	52.4
1959	do	52.9	55.2	59.9	63.2	64.0	62.6	59.3	56.6	53.1	51.3	50.7	52.2
1960	do	54.9	56.0	58.9	60.6	64.2	62.9	60.0	57.3	54.7	52.0	51.2	52.8
1961 [1]	do	53.6	55.9	60.8	63.2	63.6	62.4	59.8	57.3	54.9	52.9	53.3	54.5
1962 [1]	do	55.0	55.4	60.2	62.5	64.2	63.0	60.9	57.8	55.5	54.3	54.1	55.0
1963 [1]	do	55.0	54.7	59.1	63.1	63.9	62.9	60.8	58.3	56.4	54.7	55.2	56.0
1964 [1]	do	55.3											
Daily rate of egg production:													
1957	Million eggs	175	170	187	192	189	176	160	150	149	150	152	161
1958	do	171	173	172	185	186	176	164	156	152	155	163	172
1959	do	175	179	191	198	194	182	167	159	155	157	160	166
1960	do	175	175	180	181	187	179	167	157	153	151	153	162
1961 [1]	do	166	169	182	187	184	177	167	160	157	158	163	169
1962 [1]	do	172	170	184	188	189	181	172	164	160	163	166	170
1963 [1]	do	169	166	178	188	188	181	173	167	164	164	168	172
1964 [1]	do	170											

[1] Includes Alaska and Hawaii.

Source: Poultry and Egg Situation, January 1964, Economic Research Service USDA.

Eggs

	1960		1961		1962		1963	
	Total	Value	Total	Value	Total	Value	Total	Value
Exports:	*Dozen*		*Dozen*		*Dozen*		*Dozen*	
In shell	17,547,000	$11,847,000	14,677,000	$11,645,000	8,572,000	$7,970,000	17,591,000	$11,706,000
Hatching	6,207,000	7,403,000	8,842,000	9,259,000	6,842,000	7,272,000	9,906,000	9,157,000
Other	11,340,000	4,444,000	5,835,000	2,386,000	1,730,000	698,000	7,685,000	2,549,000
	Pounds		*Pounds*		*Pounds*		*Pounds*	
Dried	5,417,000	5,218,000	4,949,000	4,424,000	4,353,000	4,372,000	5,074,000	5,475,000
Frozen/preserved	2,640,000	1,166,000	3,657,000	1,737,000	2,035,000	971,000	801,000	416,000
Imports:	*Dozen*		*Dozen*		*Dozen*		*Dozen*	
In shell	2,610,000	1,194,000	2,522,000	1,071,000	1,560,000	508,000	[1] 1,334,506	[1] 954,000
Chicken	2,405,000	974,000	2,369,000	883,000	1,326,000	478,000	[1] 984,199	
Other	205,000	220,000	153,000	188,000	234,000	300,000	[1] 350,307	
	Pounds		*Pounds*		*Pounds*		*Pounds*	
Dried, whole, yolks, albumen	3,000	4,000	40,000	46,000	None	None	[1] 185	7,000
Frozen/prepared	13,000	8,000	4,000	4,000	4,000	5,000	[1] 4,765	

[1] Preliminary.

Source: Library of Congress, Agricultural Division, Feb. 18, 1964.

USDA's purchases

	Sec. 32		Sec. 6	
	Million pounds	Million dollars	Million pounds	Million dollars
Dried whole egg solids:				
1959	12	14	8	9
1960	19	21	------	------
1961	22	27	------	------
1962	13	13	------	------
1963	8	9	------	------

Source: Secretary's Office, Department of Agriculture, Feb. 20, 1964.

Mr. MILLER. Here is full text of story released in Washington at 5 p.m., Wednesday, February 19:

FREEMAN ANNOUNCES ADDITION OF EGG PRODUCTS TO NEEDY PERSONS DISTRIBUTION PROGRAM

Secretary of Agriculture Orville L. Freeman announced today that the Department would soon make available dried eggs to families receiving foods under the direct food distribution program. Purchases of dried whole egg solids will be made with section 32 funds.

The Secretary said, "This action is being taken in response to President Johnson's overall objective of easing the impact of poverty among needy people. The recent substantial decline in egg prices to producers makes a highly nutritious protein food readily available for supplementing the diets of hungry people. A second consideration is that the removal of surplus egg supplies will help also stabilize prices to producers during the coming peak season of production."

Currently, over 5 million needy persons are being provided with surplus foods in 48 States and over 1,500 counties.

Procurement details regarding the purchase program will be mailed to the trade next week.

THE PRESIDENTIAL ASSISTANT FOR CONSUMER AFFAIRS IN THE DEPARTMENT OF LABOR

Mr. MILLER. Mr. President, the Associated Press, in a dispatch appearing in the New York Times of February 16, performed a service in calling attention to the possibility of a duality of functions stemming from a recent action of President Johnson.

In placing the new post of Presidential Assistant for Consumer Affairs in the Labor Department, the report pointed out, the President may have overlooked or may not have been fully aware of the consumer-oriented services of the Department of Agriculture.

I hope that when the new post becomes fully operational, that there will be no overlapping of services. I hope also that establishment of the new post is not the first step toward a new agency.

I believe that the Congress should be informed as to the scope of this new position of Presidential assistant and exactly what services will be entailed.

I ask unanimous consent that the article, entitled "Consumers Aided by Farm Agency," be placed in the RECORD.

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

CONSUMERS AIDED BY FARM AGENCY—DEPARTMENT PRIDES ITSELF AND ELECTRONIC DEVICES

WASHINGTON, February 15.—President Johnson gave the Agriculture Department a jolt when he put the new post of Presidential Assistant for Consumer Affairs in the Labor Department.

The Agriculture Department has prided itself on its services aimed at helping consumers. But the President gave the new position to Mrs. Esther Peterson, an Assistant Secretary of Labor. Some in the Department believe that Mr. Johnson may have overlooked or may not have been fully aware of the many consumer-oriented services carried out along with farm programs.

The Department says that its consumer services reach into 50 areas, ranging from food grading, nutritional research and clothing studies to house planning.

Yet the Department quite obviously has not had great success in impressing its consumer interests on the general public.

Aside from consumer benefits from farm production research, the Department offers the general public such services as inspection and grading of meats, poultry, eggs, dairy products, fruits and vegetables—services designed to assure consumers good, clean, wholesome food.

The Department has some of the world's leading authorities on nutrition, textiles, horticulture, and other fields of interest to city people as well as farm people.

If the consumer has any question regarding soil, water, fruits, vegetables, flowers, trees, shrubs—any that are connected with food, its preparation, care, preservation, how to buy, nutrition, planning houses or kitchens, making or mending clothes, controlling insects, he can get a bulletin covering the subject or a personal answer to a specific question by writing the Department.

For years the Department has been issuing guides on best food buys at various seasons of the year. It has done much of the research leading to new wash-and-wear fabrics.

The Department studies and advises housewives on buying and care of household appliances, cookwear, and other equipment. It has developed fire-resistant cotton materials. It has issued a shopper's guide for men's suits. It has developed a durable fire-retardant paint for outside use.

The Department has helped develop wool sweaters and blankets that can be washed by machine, permanently pleated wool skirts, and permanently creased wool trousers.

It has bulletins on stain removal, mildew control, repair of rugs, laundry methods, pattern alteration, house location, fireplaces, and chimneys, care of wood floors, household pest control, drainage, house plants, recreation, community projects, family budgeting, consumer credit, and on how to meet national defense emergencies.

LEE P. LOOMIS

Mr. MILLER. Mr. President, a journalistic giant whose influence and reputation extended far beyond the borders of the State of Iowa, died on February 10. He was Lee P. Loomis, chairman of the board of Lee Enterprises, Inc., a group of Midwest and Rocky Mountain newspapers and radio-television stations.

Many things can be said about Lee P. Loomis—of his vision, his warmheartedness, his love of Mason City, Iowa, and the State of Iowa.

But no more fitting tribute can be given than the words of those with whom he was associated for so long. I believe the remarks of Philip Adler, publisher of the Davenport, Iowa, Daily Times, and president of Lee Enterprises, Inc., and W. Earl Hall, editorial consultant and former publisher-editor of the Mason City Globe-Gazette, best sum up the life and contributions of Lee P. Loomis.

Said Mr. Adler:

He had a lifelong dedication to newspaper work, a faculty for making friends, an enthusiasm for selling and a business foresight which will long be remembered. He leaves a legacy of good works in his home community of Mason City, his church, and among newspapermen everywhere.

Said Mr. Hall:

Newspapering was not merely the lifework, it was the life of Lee Loomis. While he possessed a singularly wide range of interests, all of the others were linked to journalism. Just about every recognition that could come to him did come but his greatest satisfactions came from the performance of the task at hand each day.

Lee P. Loomis will not soon be forgotten.

I ask unanimous consent that the following articles relating to the death of Mr. Loomis be placed in the RECORD: First, "We Were Proud To Call Him Boss," "Lee Loomis Leaves Legacy of Good Work," "Lee P. Loomis: A Man of Contracts," and "Thanks, Boss," all from the Mason City, Iowa, Globe-Gazette; and second, "Lee Loomis," from the Sioux City, Iowa, Journal.

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

[From the Globe-Gazette, Feb. 11, 1964]

WE WERE PROUD TO CALL HIM BOSS

An association of almost 40 years between Lee Loomis and the writer has come to an end in the death of our beloved publisher emeritus. There is sadness around the office where he presided with a smile, a soft voice and a general tone of friendliness that made "Boss" a term of affection.

Newspapering was not merely the lifework, it was the life of Lee Loomis. While he possessed a singularly wide range of interests, all of the others were linked to journalism. Just about every recognition that could come to him did come but his greatest satisfactions came from the performance of the task at hand each day.

His first contact with newspapering was at Ottumwa where on the parent paper he was assigned to the most onerous tasks of the profession—farm-to-farm subscription solicitation, bookkeeping and the like. His uncle, A. W. Lee, founder of the Lee papers, wanted to test him. His being a nephew wasn't enough. At Muscatine the trial was continued. He measured up by earning first the managing editorship, then the publishership.

In 1925 when he came to Mason City as publisher, he had reached full professional maturity. His discipline had given him not merely an understanding but a mastery of every phase of newspapering. His coming was an event of significance not alone to the Globe-Gazette but for Mason City and the extensive area in north Iowa and southern Minnesota served by our daily newspaper.

The Loomis journalistic credo contained two cardinal guidelines:

1. The accent must always be on the news in newspaper. While reasonable earnings are essential to a free press, they must never be at the expense of news content.

2. A newspaper, to fulfill its fundamental responsibility, must make itself a part of the life of the community in which it exists. In short, it must be a good citizen.

This philosophy made working with and under Lee Loomis a joy. It meant separation of the editorial and the business operations of the paper. News has been handled with no restraints other than those suggested by editorial judgment and good taste.

In the working out of things, too, the determination of editorial policy resided in the editorial department. This is not to say, however, that the Loomis counsel was not sought on matters of import. It was freely sought and freely given.

The amazing range of the Loomis interest in his church and in all projects designed to advance the cause of Mason City and north Iowa, as well as those of journalism, is set forth elsewhere. His imprint on the face of our community will be discernible far into the future.

A distinguishing mark of the Lee Loomis personality was his ability—and it amounted almost to a genius—for giving leadership quietly and from behind the scenes. He was content to let others, including this writer, represent him and the newspaper over which he presided so long and so ably.

A profound sorrow is manifest in all departments of the Globe-Gazette. No "boss" ever had a greater love or loyalty from his associates. When the plant now nearing completion is dedicated later this year, there will be one fact uppermost in the minds of us all: "That's a monument to Lee Loomis."

[From the Globe-Gazette, Feb. 11, 1964]

LEE LOOMIS LEAVES LEGACY OF GOOD WORK

(By Philip Adler)

Philip D. Adler, president, Lee Enterprises, Inc.: "Lee Loomis stood tall as a newspaper publisher in the Midwest. His publishing career touched three cities and largely developed the Lee newspaper group in the Midwest and Montana. His interest in radio and television brought the Lee interests into this field.

"For 60 active years as a newspaperman, Lee Loomis devoted himself wholeheartedly to the task which A. W. Lee began. He had a lifelong dedication to newspaper work, a faculty for making friends, an enthusiasm for selling, and a business foresight which will long be remembered.

"He leaves a legacy of good works in his home community of Mason City, his church, and among newspapermen everywhere.

"Mr. Loomis' accomplishments included an invaluable contribution to the development of the Davenport newspapers. His interest in their success made him a frequent visitor who became a familiar figure in the offices of the Times and the Democrat for two generations.

"In the Lee group his death brings a personal loss to hundreds of newspapermen and women with whom he worked and whom he inspired."

Ray N. Rorick, Globe-Gazette publisher: "The uplifting influence of Lee P. Loomis will be the star on which Globe-Gazette employees will set their sights for all of the foreseeable future. Woe to that employee who sought to practice anything less than the very highest in ethics. He was personal counselor to every one of his employees and revered by every single one. His passing is very real and personal to each of us."

W. Earl Hall, editorial consultant and former editor of the Globe-Gazette: "Our 39 years together on the Globe-Gazette have proved a rich and stimulating association. I have been proud always to call Lee Loomis 'Boss.' At the core of his professional credo was an insistence that the 'news' in 'newspaper' have the emphasis. This meant news and editorial independence in the making of our daily newspaper. This is one of the rich heritages bequeathed by Lee Loomis to our newspaper."

[From the Globe-Gazette, Feb. 12, 1964]

LEE P. LOOMIS: A MAN OF CONTRAST

(By Thor J. Jensen)

Active supervision of 10 daily newspapers and associated radio stations means managing of millions of dollars of business and more millions of property.

It made Lee Loomis one of the biggest businessmen in Iowa for many years. Few of his neighbors realized it. He didn't talk about it.

His wife didn't talk about it either. She was used to it. "I had a husband for 6 months," Mrs. Loomis once observed, "and after that, I had a newspaperman."

She referred to the fact that Mr. Loomis, at the age of 31, was called back from his honeymoon to become publisher of the Muscatin Journal. That was in 1915. Within 6 months the newspaper took his time.

He came to Mason City April 1, 1925, when the Globe-Gazette became affiliated with the Lee Newspapers. That led him to say later: "What a hell of an April Fool's joke to play on good, unsuspecting Mason City people."

He used strong language, no doubt dating back to his days as police reporter in Ottumwa. It took him 4 years to persuade Margaret Anna Hakes to marry him, complicated by the fact that her minister father kept asking:

"Are you sure you want to marry this young man, who uses such strong language over the phone?"

On the other hand, he was for some years one of two men who kept the financial head of St. John's Episcopal Church in Mason City above water. Said the man who at that time was in charge of the finances:

"Several times I went to Lee or 'Bide' Way and told them the problem. Each time Lee would call in his secretary and tell her to make out a check. Mr. Way did the same."

The language he had learned in his youth followed a short term as a bookkeeper of the Ottumwa Courier. One day the publisher, A. W. Lee, looked over his shoulder and said:

"Lee, you'd make a good bookkeeper—if you could only write."

So Loomis became a cub reporter. He was a born versifier. Even his police report was in verse. It was spicy, he said in later years, because that's the way the town was then.

It was so spicy, he recalled with a laugh, that some days he and the city editor would make it a point to be out of the building when the paper got to Mr. Lee's desk. It was read.

The Ottumwa publisher may not have thought much of Lee Loomis as a bookkeeper, but when he became head of the Lee Group, he became again a bookkeeper.

Every month he received from each of the 10 Lee papers a report on that month's business by departments. That record he kept in his little black book. He could tell at all times how business was going in each of the 10 newspapers. He was in command.

When he walked into the composing room of the Globe-Gazette, the printers said, "Good morning, Lee." They went to work at 7 a.m. and he was there then or soon after. He was earlier than the reporters.

Despite his command of 10 newspapers, he never overlooked the smaller details. Mrs. Loomis confesses that was the one thing she complained to him about—wearing himself out with details. He couldn't help it. He had to be at the newspaper whenever the press was running and before, including Sunday evenings if he was in Mason City.

His minute attention to Globe-Gazette matters didn't keep him from giving a full measure of his time to civic affairs.

Bank failures plagued north Iowa when he came to Mason City. He took a leading part in trying to stop them and in softening the effects of their closing.

The depression followed the bank closings and brought him new community worries. When the Mason City Community Chest had an immediate need for more money for relief, he told others:

"I'm subscribing the first $100 toward $1,000 more. Now you go out and get the other $900."

He was usually first.

When it became obvious that Mason City must have an airport to take the place of railroad passenger traffic, he took the lead in raising a special fund of $3,000 to send emissaries to Washington. The result was the Federal grant which made possible the Mason City Municipal Airport.

When World War II was over and housing was a problem, he subscribed the first $1,000

for the Globe-Gazette and the second $1,000 for KGLO to organize the Mason City Development Association. He added more thousands later, when needed.

Lee Loomis led but usually was not the one in the public eye. Someone else was chairman, as a rule. In later years, however, he was chairman of the fund drive which made possible the conversion of what had been built as a hospital into our Good Samaritan Home.

His versifying stayed with him as long as he was active. The annual gridiron show at the Mason City Chamber of Commerce Christmas party died when he stopped writing it.

So long as he wrote it, the script was full of verse and spicy (but never barbed) comments about his neighbors. For more than 20 years, with Lester Milligan at the piano, he wrote parodies on popular songs and poked fun at the Mason City scene.

He didn't mind kidding himself. In 1930 he wrote in the script:

"Say, this crime situation is getting worse. I saw two men stick up a guy on the street Friday afternoon."

"Aw, that wasn't a holdup. That was Bide Way and Lee Loomis raising money for the Episcopal Church."

"How did Bide and Lee get on that church board anyway?"

"Well, they say the rough element rose up and demanded recognition."

His parodies were not always funny. One, a parody on "Oklahoma," was used for many years by the Mason City Chamber of Commerce chorus:

"Mason City, where the corn grows tow'ring round about,
Where men work and play, and fill each day
With a lust for living like a shout.
Every day we're milling out cement, making brick and tile; our pork's the style.
Happy, busy, yes, and so content.
We know we belong to our State,
And the State we belong to is great.
And when we say
Yeeow—I-O-W-A—I-o-way,
We're only saying,
You're mighty fine.
Mason City, Mason City, Okay!"

An active Republican, he nevertheless never hesitated to kid politics and politicians. In the minstrel chorus, Earl Dean, Democrat, and Earl Hall, Republican, were constantly pitted against each other as donkey and elephant.

Dean, in 1943, sang this one:

"The Republicans think they are lucky,
And they boast to the vote in Kentucky.
You partisans gloat; on the prospects you dote.
But wait till our Franklin goes after the vote."

The chorus was prophetic:

"Oh, what a beautiful morning.
Oh, what a beautiful day!
I've got a wonderful feeling
Everything's going our way."

Lee Loomis brought radio to Mason City. In 1940 he even kidded about that:

"Earl Hall cheers for the GOP
While Eighmey loves Democracy.
But Old Lee Loomis, ain't it so?
He just loves KGLO."

One of the most beautiful things he wrote was in 1946 when the Reds had exploded their atom bomb, the Communists had taken China and things were going not too well at home. After a recital in song of all the discouraging events, came these concluding lines:

"Oh, all is gloom and all is woe—
But stop—What cynic told you so?
Green grows the holly—the snow is white.
The Yule log fire gives crimson light.
Throughout the land the churchbells ring,
And carols of joy the children sing.
Old Santa comes in fabled sleigh—
If we could only make him stay—
One day we'll banish doubt and fear
And fill their void with love and cheer.
Our fondest wish to you, our peers,
May your days be turned to Christmas years!"

[From the Globe-Gazette, Feb. 13, 1964]

THANKS, BOSS

We said goodby to "the boss" today.

Each of us who still tread the steps of the building Lee Loomis loved so much did it in our own individual way.

How does one give a parting heartfelt salute to a man who was father to all, a counselor to many and a gentle critic of both the veteran and the neophyte alike?

One does it best with thoughts, those and little mental images painted by the broad pen of personal relationship.

For some of us in the Globe-Gazette family this intimate contact was established and nurtured over a span of nearly 40 years. For others, the more-or-less newcomers, it represents only a millisecond in this man's long and venerable newspaper career.

There was, for instance, that blustery February afternoon almost 10 years ago to the day.

We had just come to the wire news desk assignment from the city hall beat and were still unaccustomed to all the workings. Mr. Loomis happened into the newsroom, as he often did late in the day, and noticed the consternation written on our face.

"There's a tremendous photo here on the shooting at Des Moines," we almost shouted, "and we could get it into the North Iowa edition if we call the engraver back from home."

This, of course, necessitated a juggling of schedule and extra expense.

It was at this point that the voice from the doorway made the decision for us.

"If it will make it a better paper, go ahead and do it," was the never-to-be-forgotten bit of advice. "Your job is to get the news into this edition."

The decision, of course, was the correct one. His basic tenet that news is the very essence of newspapering can never be challenged.

Then there were those seemingly too-frequent intraoffice telephone calls "from downstairs"—pointing out what we at that time believed to be inconsequential corrections of grammar or wrist-slappings on picayunish deviations from fact.

"Let the little things get away from you and you're in trouble" was the admonition we received—and deserved.

Yes, we all have learned there is an important place for such critical "flyspecking" in carrying out our daily assignments. We learned because we had a superior teacher.

These are just two indelible vignettes of a good friend we'll never forget. We could recite many, many more.

But now it's back to the job at hand. There are deadlines to meet and readers to serve.

That's the way Lee Loomis would have wanted it. After all, the readers were his friends, too.

[From the Sioux City Journal, Feb. 12, 1964]

LEE LOOMIS

Everybody who was at all active in the newspaper business in Iowa from the early 1920's to the early 1960's knew Lee P. Loomis, chairman of the board of Lee Enterprises, which owns newspapers and radio stations in a number of midwestern and Rocky Mountain cities. Most people knew him as publisher of the Mason City Globe-Gazette, which he helped make into one of the State's fine newspapers. Older persons in the profession recall him as publisher of the Muscatine Journal, for several years prior to 1925.

Mr. Loomis was truly an Iowa newspaperman, receiving his early training on the Ottumwa Courier before going to Muscatine. There and at Mason City he was active in the affairs of the profession on both State and regional basis. He loved Iowa and "sold" Iowa to everyone who would listen. His organizational and administrative abilities were great, and he was one of the State's most respected newspapermen. His many contributions to his profession will long stand to mark his time in Iowa journalism.

LEAVE OF ABSENCE

Mr. MILLER. Mr. President, I have important speaking engagements in my State on March 13, 14, 20, 21, and 24, and on April 1, 2, 18, 21, and 22.

I therefore ask unanimous consent that I may be excused from attendance on the sessions of the Senate on those days.

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

Mr. MILLER. 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. McINTYRE. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER in the chair). Without objection, it is so ordered.

PLANS FOR A CHANCERY CENTER IN THE DISTRICT OF COLUMBIA—ADDITIONAL COSPONSOR OF BILL

Mr. McINTYRE. Mr. President, on January 20 I introduced S. 2444, a bill to create a chancery center in the District of Columbia. An unfortunate oversight in preparing the official copy of the bill led to the omission of the name of the senior Senator from Maryland [Mr. BEALL] who joined as a cosponsor in offering the bill. The Senator from Maryland is a distinguished member of the District of Columbia Committee, whose constructive influence has brought many urgently needed projects to completion in the District of Columbia. I regret that his name was omitted from this bill and ask unanimous consent that it may be added at the next printing.

There has been much interest generated in the proposal for an international chancery center. WMAL, a radio and television broadcasting company in the District of Columbia, has stated editorial support for the idea of an international center. I ask unanimous consent that copies of recent WMAL editorials be reprinted at this point in my remarks.

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

CHANCERY BUILDING

Senator McINTYRE, of New Hampshire, has proposed a handsome international center in Washington for the location of chanceries and other office buildings of foreign governments. We have proposed the same idea before and strongly believe in the merits of such a project. When completed, the center would eliminate the need for chanceries in residental areas.

Foreign governments, particularly those of new nations, could lease office space to conduct their affairs. Developed by private investors, the project would cost the taxpayers nothing. Proposed legislation would authorize the use of urban renewal powers to clear land for the enclave. The center would also serve as a convenient place for diplomatic, social, and recreational events.

We agree with Senator McINTYRE that an international center is feasible and would be a great asset to Washington.

RUSSIAN EMBASSY—CHANCERY LOCATION

The controversy over the Chevy Chase location of the Russian Embassy-Chancery remains unsettled. Construction of the proposed facility on the Bonnie Brae estate has been temporarily blocked. A Federal judge recently ruled that permission for the site was granted after the White House and State Department exerted undue pressure in favor of the location.

Judge Pine suggests that a new board be created specifically to hear the Bonnie Brae case. We believe the zoning application should be denied.

Neighbors opposed the proposed embassy-chancery because it would be incompatible with the neighborhood. They also feared heavy traffic congestion and possible demonstrations against the Russian Government.

We advocate that an international center, to serve all nations, be built in downtown Washington. The center could easily become a new urban renewal project. An international center is the only appropriate place for countries to establish new accommodations.

Mr. McINTYRE. Mr. President, I was also greatly encouraged by the editorial support given to the idea by the Washington Post on February 3, 1964. I ask unanimous consent that this editorial be reprinted at this point in my remarks.

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

CENTER FOR CHANCERIES

A certain urgency attends the suggestion of a center for foreign governments' chanceries. Several large missions are currently looking for sites into which to expand. If a center is to be established by Congress, it needs to be done in time for these tenants.

Senator McINTYRE's bill for this purpose is warmly regarded by the State Department, and for good reason. The chanceries, with their air of commerce and their parking difficulties, are not welcomed in Washington's residential neighborhoods. Their intrusions have proved a source of continued local friction, trivial but by no means negligible. Senator FULBRIGHT's bill, passed last year by the Senate, would prohibit any new chanceries in residential zones. Senator McINTYRE now proposes to authorize a 30-acre site, under the District's urban renewal program, for a spacious and well-designed new center in which foreign governments could find quarters.

Before Congress passes the bill, it will demand the answer to one obvious question: Where is the chancery center to be? If the National Capital Planning Commission can bring itself to make a recommendation promptly, the McIntyre bill may yet be enacted in time to serve the diplomats, and to save the neighborhoods into which their chanceries would otherwise have moved.

Of course, no chancery center will meet all the office needs of foreign diplomats. For this reason further action on the Fulbright bill is also important. Before it goes any further, however, it should be amended so as to ease the restrictions on the location of chanceries. If Congress is unwilling to lay down guidelines for the Board of Zoning Adjustment in granting exceptions for the location of chanceries in residential neighborhoods, it should at least keep the door open for such facilities in apartment zones.

NOTICE OF HEARINGS

Mr. McINTYRE. Mr. President, I agree entirely with the Post's statement that a certain urgency attends this problem. Therefore I would like to state that every effort will be made to convene hearings before the Business and Commerce Subcommittee of the Senate District of Columbia Committee during the first week of March or, failing that, the week following.

I recently addressed the Chevy Chase Citizen's Association on this problem. Mr. President, I ask unanimous consent that the text of that address appear in the RECORD.

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

CHANCERIES AND THE NATION'S CAPITAL

(An address by U.S. Senator TOM McINTYRE, Chevy Chase Citizens' Association, February 17, 1964)

As you know, the Congress is entrusted with the power of legislating for the District of Columbia. As a member of the Senate Committee on the District of Columbia I share in the responsibility for governing its 680,000 citizens and 68 square miles. My experience in local government in New Hampshire has convinced me that progress, which is after all why governments are instituted among us, comes from strong local concern for local government. When the machinery of government is dismantled and the National Legislature has to concern itself with local affairs, it doesn't take long for public opinion to die down to a dead calm. From 1802 to 1874 there was a measure of home rule in the District of Columbia, but by the end of the Civil War the problems of the Capital City had really become intolerable. Population was growing far more rapidly than the city could pay for needed public works and services.

Exceptionally difficult racial problems arose. The city became ugly and grew in a heedless fashion. These problems were solved, for a short time, by giving control of the District to Congress. But new problems have arisen, and I think the time has come when Congress should begin to yield back local control and at least a limited amount of home rule. Only then can citizens and their Government, in close and continuing consultation, begin to make meaningful progress on problems of deprivation, the quality of municipal services, the city's finances, and its problems of persistent crime.

And another of these problems is the city's unplanned growth. In my few months in the Nation's Capital, I have come to feel that almost every residential area is threatened by freeways, commercial invasion, crime, blight, and other problems. Any fine vista, whether a downtown street or a stretch of wild country, can be put on the block. There is little confidence that what is best in this beautiful metropolitan area will necessarily endure. And I think it is this lack of confidence, well justified to be sure, that has accounted for the strong fight waged by many local groups, including the Chevy Chase Citizens' Association, against chancery development.

THE NATIONAL CAPITAL DIPLOMATIC COMMUNITY

The public law creating the Capital area, passed in 1790, calls the District of Columbia "the permanent seat of government of the United States." And to our Government, over 100 foreign governments are accredited for the conduct of diplomatic relations. I believe that Washington's status as an international capital is welcome to almost all residents of the area. The diplomats who come here and their families receive a warm welcome in this characteristically American and friendly city. But it seems extremely shortsighted to me, that better provision should not have been made for the location of the offices which these governments employ in conducting relations. I was astonished to discover that chanceries were not even subject to zoning regulations until 1957. Their growth has been largely unplanned and has tended to center in the Sheraton-Kalorama area between Rock Creek Park, Massachusetts Avenue, and Connecticut Avenue. And as the number of new countries has grown, so have the pressures for new chancery locations. But I have formed the impression that the lightning of chancery location can strike just about anywhere, without any regard to the real needs of the neighborhood.

Now it is one thing to be bewitched by advertisements in Holiday magazine: palm trees, tropic sunsets, snow-covered mountains, or French villages. But it is quite another to find a five-story bustling office building, surrounded by swarms of cars, with streams of visitors, right in the middle of a residential area. There was abundant testimony at the hearing before our subcommittee that no one could be sure which neighborhood would be chosen next for chancery development. Since 1957 chanceries have been defined as commercial uses of property under the District of Columbia zoning law. Whenever a property owner wanted to sell to a foreign government for chancery purposes in a residential neighborhood, it was necessary to apply to the Board of Zoning Adjustment for a special exception. The standard by which these were granted was never defined in so many words, but compatibility with the neighborhood was the most important requirement. If a proposed foreign government business office was out of place, a special exception would be denied. If it was compatible, the special exception would be granted. Some 30 special exceptions have been granted since this procedure began in 1957.

ROLE OF THE STATE DEPARTMENT

I do not, however, share in the view sometimes expressed, that the State Department is a leading cause for unplanned chancery development in Washington. The Department actually has never been granted legal authority to equal its undeniable responsibility for chancery affairs. It is an exceedingly unsatisfactory legal situation. If the Department does not intervene, an ambitious real estate salesman may fill a residential block with chanceries. If it does intervene with the foreign government, the real estate salesman can still promise to sell. If it intervenes with the Board of Zoning Adjustment, it may invalidate the order of the Board, as recently happened with the Soviet chancery application. No one here would deny that the State Department ought to exercise general guidance of chancery matters, in line with its responsibilities to the President and the Congress. But the law ought to be clear as to what the Department can and should do, and what it cannot and should not do. It is an invitation to confusion to give the Board of Zoning Adjustment authority to waive the law. On the other hand, without a measure of home rule, it is very hard for the District government to resist the State Department once its mind is made up. Now some measure of discretion is proper in government, but we should have a much more definite law governing chancery affairs in the District of Columbia. The legal situation is chaotic. The real estate situation is uncertain. I can tell you that the foreign governments themselves find the uncertainty, confusion, and delay

just about as troublesome as the residents of the District do.

That is a brief glance at the problem as I see it. I am not a member of the international set and am certainly not an expert on District of Columbia residential areas. Up in New Hampshire we have a wry saying that an expert is an ordinary fellow from out of town. Well, I am certainly from out of town, and I think my approach to this problem is ordinary enough, but I'm not an expert. We all want to preserve the quality of the Nation's Capital. We all want to do what is right by the diplomatic community. And I think it is possible to strike a fair balance in adjusting these different interests.

THE FULBRIGHT BILL, S. 646

In July the Senate passed the Fulbright bill, S. 646, which bans chanceries from all neighborhoods zoned for residential purposes. It is presently before the Multer subcommittee of the House District Committee for their consideration. That bill was quite simple. Upon the date of its enactment no chancery or business office could be built in a residential area, and no existing chancery could be enlarged beyond the extent of what would require a building permit. The principal purpose of the bill was to close a loophole in the Zoning Act whereby chanceries could acquire these special exceptions. It would treat foreign government business operations just as present law treats foreign commercial operations or American commercial operations. Still, on examination, there would be problems remaining if the bill were enacted. Chanceries would have to acquire property in special purpose or commercial districts which are beyond the means of many countries. There would still be no planning. And the measure would seem to be aimed at countries which are newly independent and do not yet have chanceries in Washington. "Why can't we be permitted to have chanceries in the same kind of area as all the other countries?" would be the question.

THE CHANCERY CENTER BILL

Partly because the Fulbright bill would not solve the whole problem, I gave considerable thought to the possibility of establishing somewhere in Washington a precinct for chanceries—an international center. Within the boundaries of such a center foreign governments could construct buildings or rent space for the conduct of their business of diplomatic representation. Social and recreational facilities might be provided for the diplomatic corps. Businesses and charities with oversea interests might construct offices or rent space. Tour facilities could be provided for students and others visiting Washington to learn more about our foreign relations.

The bill I have introduced, with the very welcome cosponsorship of Senator GLENN BEALL, of Maryland, would grant to the Redevelopment Land Agency of the District of Columbia the power to condemn up to 30 acres for this purpose. The Senate has passed a bill, S. 628, to give this Agency such powers over commercial areas of the city, but it has not passed the House. The Redevelopment Land Agency would have the power to create a chancery center in any blighted residential area of the city, but the Beall-McIntyre bill would give them this power for commercial areas as well. Thus, it is entirely consistent with the earlier Fulbright bill and would complement it nicely, or so it seems to me.

This bill would also solve the pressing problem of the need for chancery space on the part of new countries. It would provide that foreign governments awaiting the completion of space within the chancery center could occupy an existing building in a residential area for up to 3 years while space was being completed in the center. No new building permits would be issued. With permission of the District Government and the State Department, under appropriate regulations which would be issued after passage of the bill, a foreign government could rent existing space until it was able to move into the center. Thus the long-range objective of the Fulbright bill would be preserved, because the governments would have to leave the space when their time was up, but the short-term needs could also be met. It is my hope that this slight liberalization in the terms of the Fulbright bill will help it to win passage in the House.

The countries seeking to enlarge their chanceries or build new ones is about one dozen. As new nations become independent, the list will grow. Larger nations on every continent seek to construct or lease office space in the next few years. The presence of their governments, and famous international corporations and charities would reassure the newly independent nations that the American people were not relegating them to any position of unimportance. Thus this would not be a ghetto. Far from being a preserve for smaller nations, the chancery center could rapidly become a spot of international architectural distinction, and countries would welcome a chance to locate there.

That is one reason for the use of the urban renewal power. It would then be possible to give the center a unified design, like a handsome college campus or group of buildings. It would be my hope that the developer would be willing to construct sufficient low-cost housing in the vicinity so that displaced families could continue to live in their familiar neighborhood.

The diplomats are welcome in every section of Washington, so it would not be the intention to reserve housing space for them either in or near the center. There might be a club, and a hotel for transients, but that is a different matter. Thus, there would be no suspicion that the diplomats, as opposed to their offices, would be asked to locate in any particular part of Washington.

One of the advantages of bringing these offices together in a center would be that services, such as secure electronic communications, might be made available to the smaller countries whose facilities at the United Nations are increasingly burdened. For the first time they would be able to transmit and receive messages direct from Washington, without having to wait for them to be relayed back and forth from New York. There would also be service businesses, such as travel and office services, perhaps a foreign bookshop, and almost certainly an American hospitality center somewhere in the chancery precinct.

This bill would make a distinct contribution to the beautification of Washington. Development would be in private hands without cost to the taxpayer. I hope that you, with your concern for our foreign relations and also the integrity of neighborhoods, would give it your support. I am confident that the foreign governments and our State Department will support this idea. I warmly hope that city planners and others who are professionally concerned with the urban progress of Washington will soon agree upon a site. In light of the fact that participation by both large and small, wealthy and less wealthy countries will be necessary for the center, one of the principal needs is for a rapid growth of public support for this project and rapid action by the agencies of Government. I hope I will enjoy your support in the campaign to create such a center in the District. I can assure you that I will urge the Government agencies to hasten in their work toward passage of the bill and active planning for the chancery center. The disputes over the Soviet Chancery and perhaps some of the other well-publicized chancery problems will have served a useful public purpose if they help to bring about this outcome.

RECESS UNTIL NOON TOMORROW

Mr. McINTYRE. Mr. President, under the previous order, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 48 minutes p.m.) the Senate, under the previous order, took a recess until tomorrow, Friday, February 21, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 20 (legislative day of February 10), 1964:

DEPARTMENT OF COMMERCE

Nicholas Johnson, of Iowa, to be Maritime Administrator, Department of Commerce.

DIPLOMATIC AND FOREIGN SERVICE

Fulton Freeman, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

The following-named persons, now Foreign Service officers of class 2 and secretaries in the diplomatic service, to be also consuls general of the United States of America:

Perry H. Culley, of California.
John H. Stutesman, Jr., of New Jersey.

Elmer E. Yelton, of Texas, now a Foreign Service officer of class 3 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

Donald C. Ide, of Washington, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

John R. Vought, of New York, for appointment as a Foreign Service officer of class 4, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Raymond J. Alvarez, of California.
William Bodde, Jr., of Maryland.
John S. Brims, of New Jersey.
John W. Campbell, of California.
Richard P. Draves, of New York.
Irving Lewis Fuller, Jr., of Virginia.
Marshall J. Jeannero, of Florida.
Francis M. Kinnelly, of Maine.
Clint A. Lauderdale, of California.
Allan M. Parrent, of Kentucky.
James D. Phillips, of Kansas.
John E. Reinertson, of Wisconsin.
G. Henry M. Schuler, of Pennsylvania.
Frederick S. Vaznaugh, of California.
Eugene R. Vikingson, of Minnesota.
David E. Zweifel, of Colorado.

The following-named Foreign Service officers for promotion from class 8 to class 7:

Miss Peggy A. Antonides, of Illinois.
Charles H. Barr, of Washington.
Adrian Anthony Basora, of the Commonwealth of Puerto Rico.
John Franklin Campbell, of California.
Donald D. Casteel, of Wyoming.
Reed Cecil, of Texas.
John H. Christensen, of Iowa.
Daniel H. Clare III, of New York.
Harvey T. Clew, of Connecticut.
Edward Knapp Dey, of New York.
Clarke N. Ellis, of California.
Henry A. Engelbrecht, Jr., of the District of Columbia.
Patrick J. Flood, of Ohio.
William A. Garland, of Maryland.
Ralph E. Hamil, of New York.
William B. Harris, of California.

F. Stephen Hoffman, of New York.
Robert Onan Homme, of Minnesota.
Robert G. Houdek, of Illinois.
David A. Hughes, of Washington.
William P. Kelly, of Pennsylvania.
William A. K. Lake, of Connecticut.
William Harold Levit, Jr., of California.
Joseph Charles Luman, of Pennsylvania.
James Richard Matz, of Texas.
Bradford William Miller, Jr., of New York.
Ronald Peter Myers, of Michigan.
Miss Leona M. Nelles, of South Dakota.
Robert F. Ober, Jr., of Illinois.
Bradford C. Oelman, of Ohio.
Samuel R. Peale, of New York.
Reynold A. Riemer, of New York.
Robert M. Ruenitz, of California.
Murray C. Smith, of the District of Columbia.
Richard L. Storch, of Illinois.
Maurice M. Tanner, of Arizona.
Milton J. Wilkinson, of California.

The following-named persons for appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

John M. Beshoar, of Colorado.
Michael V. Connors, of Washington.
John P. Ferriter, of New York.
John H. Fincher, of Illinois.
T. Patrick Killough, of Texas.
Miss JulieAnn McGrath, of Illinois.
Franz H. Misch, of California.
John C. Stephens, of Colorado.
William L. Swing, of North Carolina.
Norman E. Terrell, of Washington.
Miss Paula Ann Wiegard, of Maryland.
Augustus J. Williams, Jr., of Georgia.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Richard C. Alvarado, of Texas.
Lynn Darrell Bender, of California.
Miss Kirsten Campbell, of New Jersey.
L. Selwyn Coates, of Ohio.
Peter Collins, of New York.
John H. Hawes, of New Jersey.
Alvin Helfeld, of New York.
Herbert J. Horowitz, of Michigan.
Richard M. Ogden, of Connecticut.
Karl S. Richardson, of Nebraska.
David H. Shinn, of Washington.

The following-named Foreign Service Reserve officers to be consuls of the United States of America:

Lewis P. Achen, of Montana.
Miss Aileen Aderton, of Pennsylvania.
Dewey W. Conner, of Kansas.
Samuel P. Dieli, of Michigan.
Michael L. Di Legge, of Virginia.
Philip F. Dorman, of California.
John F. Fay, of Virginia.
George G. Jespersen, of Maryland.
Robert F. Jordan, of Massachusetts.
Joseph Kinal, of Nevada.
Samuel H. Rickard III, of Maryland.
John H. Scanlon, of Missouri.
Edward H. Sims, of South Carolina.
Peter N. Synodis, of California.
Wilbur F. Weeks, of Connecticut.
Gerold D. O'Grady, Jr., of Virginia, a Foreign Service Reserve officer, to be a consul and a secretary in the diplomatic service of the United States of America.

The following-named Foreign Service Reserve officers to be vice consuls of the United States of America:

John J. Ewing, of California.
Leonard C. Gmirkin, of Ohio.
Nicholas Letsou, of New Hampshire.
Leonard Whistler, of Connecticut.

The following-named Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:

Donald Porter Barnes, of Colorado.
Stuart T. Baron, of California.
William A. Bell, of the District of Columbia.
Robert E. Button, of New Jersey.
Richard D. Drain, of Maryland.
Orville J. Emory, Jr., of the District of Columbia.
James A. Higham, of Massachusetts.
Jack H. Mower, of California.
John B. Riordan, of Virginia.
William C. Simenson, of Virginia.
David L. Smock, of Florida.
Arthur Stein, of Florida.
Marvin Weissman, of Ohio.

IN THE NAVY

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. Alexander S. Heyward, Jr., U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of major general subject to qualification therefor as provided by law:

George E. Tomlinson
John L. Winston

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. FOR APPOINTMENT

To be senior surgeons

Merlin L. Brubaker
Jean-Maurice Poitras
John E. Scott

To be senior assistant surgeons

William L. Wilkie
Larry H. Dizmang
Donald W. Dippe
Peter L. Putnam

To be dental surgeon

John D. Suomi

To be senior assistant dental surgeons

Benjamin H. Brown, Jr.
John Folio
Robert C. Birch
Ray E. Holloway, II
Alan J. Trager
Edward Kuzma

To be sanitary engineer

Charles W. Northington

To be sanitary engineer

Thomas M. Moore
James D. Russell
Richard F. Boggs
John P. Sorg
Ralph R. Wirt
William F. Buchholz, Jr.
Jerry L. Butler

To be junior assistant sanitary engineer

Robert P. Stein

To be senior assistant pharmacist

Jesse P. Walker, Jr.

To be assistant pharmacists

Leighton H. Tooms
Ronald A. Gomes
Norman L. Dunfee
Francis P. Barletta

To be senior assistant sanitarians

John G. Todd
Donald R. Smith

To be assistant sanitarian

John J. Bolen

To be senior assistant therapist

William D. Wallis

To be senior assistant health services officer

Roger W. Turenne

To be assistant health services officers

Robert M. Moroney
Philip C. Hoyer
Charles W. Roach

II. FOR PERMANENT PROMOTION

To be senior nurse officer

Mildred K. McDermott

IN THE COAST GUARD

The following-named person to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy as an instructor with the grade of lieutenant:

Jimmie D. Woods

EXTENSIONS OF REMARKS

Armed Forces Help in a Civil Emergency

EXTENSION OF REMARKS
OF
HON. WALTER ROGERS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 20, 1964

Mr. ROGERS of Texas. Mr. Speaker, a blizzard of immense proportions recently swept across the Texas Panhandle, the district I have the honor to represent in the House of Representatives, piling up snow on the level to a depth of 25 inches and more. Drifting of this new fallen snow caused enormous drifts and it was virtually impossible for ranchers in some sections of the Panhandle to transport feed to their starving cattle.

In this emergency, which threatened to result in severe losses of cattle, the Army and the Air Force came to the assistance of National Guard units based in the Panhandle. An aerial hay drop from C–119 flying boxcars was organized and executed, more than 2,200 bales of hay were dropped to snowbound cattle in isolated pastures, and as a result the loss of cattle was held to a minimum.

I am proud to pay deserved tribute to the men of our armed services who participated in this mission. I described the operation and its success in my weekly newsletter to my constituents, and I include it in the RECORD as a tribute to the officers and men who served so well:

DEAR FELLOW TEXAN: When I first received word that a blizzard had begun in the Panhandle, I knew that human lives might be endangered and that thousands of cattle might be stranded without feed in the driving, drifting snow. I telephoned my friend Maj. Gen. Selden Simpson in Amarillo and offered my help should the National Guard division he commands—the famous 36th Division—require the help of the U.S. Army or Air Force in alleviating distress. General Simpson said he would keep me advised of the situation. We both recognized that an airdrop of cattle feed might be necessary before the storm abated.

Late Thursday night, General Simpson telephoned to inform me that Panhandle ranchers, particularly in Gray County, feared