been taken to seal Laotian borders against Communist forays?

Tenth. What is the estimated size of all Vietcong forces today?

Eleventh. Who are the leaders of the Vietcong? Where do they come from? Are they North or South Vietnamese? Where are they trained? To what extent is Red China supporting the Vietcong operations?

Twelfth. How many American personnel in South Vietnam, military and civilian, have been wounded or killed as a result of Vietcong action?

Thirteenth. If a decision is made to undertake any kind of action against the North Vietnamese, will it be made by the United States Government or the Government of South Vietnam? Will the Congress be consulted?

Fourteenth. Is the United States seriously considering neutralization of Vietnam along the lines negotiated in Laos?

Fifteenth. What actions are being taken to stabilize the present regime in South Vietnam politically and economically?

Sixteenth. How many American officers have resigned in protest against the course of events in South Vietnam? Have they been allowed to make public statements?

Seventeenth. How many American troops can be withdrawn from South Vietnam by the end of 1965? How many will have to remain? What will their functions be?

Eighteenth. Who has primary responsibility on the ground for U.S. actions and policy in South Vietnam?

Nineteenth. What efforts have been made to secure support and assistance from other free nations in Asia in defeating Communist encroachments in South Vietnam?

Twentieth. What effect would a Communist takeover in South Vietnam have on the U.S. strategic position in the Far East?

Let me again make clear that I do not want our Government to make a public reply on points where answers could jeopardize the course of military activities. But military security must not become an excuse for withholding information needed by the Congress and the American people for a full understanding of what our present objectives are and how they can be achieved in an increasingly critical area of the world.

There is already mounting evidence that the lack of information and the wide speculation on policy are undermining morale on our side and are helping the Communists considerably more than a clear and factual statement of the situation and of United States and South Vietnamese policies would do.

SENATE

TUESDAY, MARCH 10, 1964

(Legislative day of Monday, March 9, 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:

Our Father, God: Grant us, we beseech Thee, the grace and vision to toil in these fields of time in the sense of the eternal. We bring our stained lives to the holiness that shames our uncleanness, to the love that forgives our iniquities, to the truth that reveals our falseness, to the tireless patience that outlasts our fickleness.

In the brooding silence of this still moment before we are enmeshed in the rush of another day, may open windows of faith flood the shadows with light, that in Thy sunshine's blaze our lives may brighter, fairer be.

Grant us inner greatness of spirit and insight to rightly read the signs of these times. Matching the large designs of this glorious and challenging day, may we keep step with the drumbeat of Thy purpose which is marching on.

In the dear Redeemer's name we ask it. Amen.

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, announced that the House had passed a bill (H.R. 10215) relating to sick leave benefits for officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, and the White House Police force, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 1964. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits; and

H.R. 9637. An act to authorize appropriations during fiscal year 1965 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 10215) relating to sick leave benefits for officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, and the White House Police force, was read twice by its title and referred to the Committee on the District of Columbia.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD to proceed to the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of House bill 7152, the civil rights bill.

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

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

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

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 72 Leg.]

Bayh	Hruska	Pearson
Beall	Humphrey	Proxmire
Boggs	Javits	Ribicoff
Carlson	Jordan, N.C.	Russell
Clark	Jordan, Idaho	Saltonstall
Dirksen	Keating	Sparkman
Dominick	Kuchel	Stennis
Douglas	Long, La.	Talmadge
Ellender	Magnuson	Thurmond
Gruening	Mansfield	Walters
Hart	McClellan	Williams, Del.
Hartke	Metcalf	Young, Ohio
Hickenlooper	Moss	
Holland	Neuberger	

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Washington [Mr. JACKSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Wisconsin [Mr. NELSON], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I also announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I further announce that the Senator from California [Mr. ENGLE] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. COTTON], the Senator from New Mexico [Mr. MECHEM], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from South Dakota [Mr. MUNDT] is absent on official business.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. ALLOTT, Mr. ANDERSON, Mr. BARTLETT, Mr. BENNETT, Mr. BIBLE, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. COOPER, Mr. CURTIS, Mr. DODD, Mr. EASTLAND, Mr. ERVIN, Mr. FONG, Mr. GOLDWATER, Mr. GORE, Mr. HAYDEN, Mr. HILL, Mr. INOUYE, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MCGOVERN, Mr. MCNAMARA, Mr. MILLER, Mr. MONRONEY, Mr. MORSE, Mr. MORTON, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. PROUTY, Mr. ROBERTSON, Mr. SCOTT, Mr. SIMPSON, Mr. SMATHERS, Mrs. SMITH, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names.

The ACTING PRESIDENT pro tempore. A quorum is present.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour for the introduction of bills, statements, and reports of committees, with the proviso that there be a time limitation of not to exceed 3 minutes.

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

DISPOSITION OF EXECUTIVE PAPERS

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

S. 1790. A bill to amend the Watershed Protection and Flood Prevention Act, as amended (Rept. No. 940).

BILLS INTRODUCED

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

By Mr. HUMPHREY:

S. 2619. A bill to bring blankets under the protection provided by the Flammable Fabrics Act; to the Committee on Commerce.

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

By Mr. DIRKSEN:

S. 2620. A bill to authorize the Secretary of the Army to modify certain contracts relating to the acquisition of mineral rights in the area to be inundated by the Carlyle Reservoir, Kaskaskia River, Ill.; to the Committee on Public Works.

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

By Mr. JAVITS:

S. 2621. A bill to provide for the inclusion of the cemetery at St. James Place in Chatham Square, New York City, N.Y., in the Registry of National Historic Landmarks; to the Committee on Interior and Insular Affairs.

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

By Mr. DIRKSEN:

S. 2622. A bill relating to the storage of agricultural commodities; to the Committee on Agriculture and Forestry.

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

By Mr. HART (for himself, Mr. WILLIAMS of New Jersey, Mr. RANDOLPH, Mr. HUMPHREY, Mr. CLARK, and Mr. MORSE):

S. 2623. A bill to establish a National Commission on Automation and Technological Progress; to the Committee on Labor and Public Welfare.

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

By Mr. MAGNUSON (by request):

S. 2624. A bill to amend the Communications Act of 1934, as amended, to give the Federal Communications Commission certain additional regulatory authority over communications common carriers; to the Committee on Commerce.

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

By Mr. SMATHERS:

S. 2625. A bill to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of American nationals against the Government of Cuba; to provide for payment of such claims; and to provide that the uncompensated portion of approved claims may be the collateral for certain loans made to claimants by the Secretary of State; to the Committee on Foreign Relations.

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

By Mr. FONG:

S. 2626. A bill to authorize certain beach erosion control at Haleiwa Beach, Oahu, Hawaii; to the Committee on Public Works.

LEGISLATION TO BRING BLANKETS UNDER THE PROTECTION PROVIDED BY THE FLAMMABLE FABRICS ACT

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill which would make blankets subject to the provisions of the Flammable Fabrics Act.

This act was created in 1954 as a result of the so-called explosive sweater incidents. These sweaters were brushed viscose rayon, a very flammable fiber and the same fiber that is going into millions of brushed rayon blankets today. The bill was restricted so that it applied only to fabrics going into apparel.

At the time this bill was passed in 1954, most of the newer synthetic fibers were just in the process of being developed and introduced to the American market. This includes all the acrylic fibers such as Orlon, Acrilan, Creslan, Zefran; the mod-acrylics such as Verel and Dynal; the polyesters such as Dacron and a host of other less well known synthetics. Since that time, many of these fibers have been adopted and are in widespread use today and millions of homes are being filled with blankets, carpeting, drapery fabrics and other types of products all of which are subject to exposure to any fire which may originate in the home and all of which burn very readily.

The newer type of synthetics which are named above will not burn as explosively as viscose rayon, but they will readily support combustion and in burning produce a dangerous hot molten substance and excessive amounts of poisonous gas. There are more people who die from the effects of gas and suffocation during a fire than those who are actually burned to death.

It was impossible to know at the time the bill was passed that these new fibers would be developed and in such widespread use by consumers today. I think blankets are a logical first step in correcting this situation as a blanket surface is fluffy and quite subject to burning. Persons in bed have the human weakness of smoking and there are other dangers from electrical appliances such as dryers, lamps, electric blankets, and so forth. The person using these is frequently in a sleep condition and most likely to doze off and be completely unaware that a fire may have started.

In my opinion, this illustrates the need for updating this legislation.

The PRESIDING OFFICER (Mr. BAYH in the chair). The bill will be received and appropriately referred.

The bill (S. 2619) to bring blankets under the protection provided by the Flammable Fabrics Act, introduced by Mr. HUMPHREY, was recived, read twice by its title, and referred to the Committee on Commerce.

MODIFICATION OF CERTAIN CONTRACTS RELATING TO ACQUISITION OF MINERAL RIGHTS

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Army to modify certain contracts relating to

the acquisition of mineral rights in the area to be inundated by the Carlyle Reservoir, Kaskaskia River, Ill.

This project consists of a reservoir and dam located at Carlyle about 107 miles above the mouth of the river.

From the inception of the project it was considered desirable by the Corps of Engineers to permit the production of oil for as long a period as possible consistent with orderly completion of the project. After a detailed study several years ago, the date of July 1, 1964, was established for the cessation of production in order to permit removal of the equipment and cleanup of the premises prior to inundation.

As construction progressed on various elements of the project, it became evident that delays were being encountered which would permit oil production until October 1, 1964. At the time that decision was made a number of mineral interests had been acquired by the district engineer at St. Louis, Mo., in the Boulder oil field based on cessation of production on July 1, 1964.

Under these circumstances, Mr. President, there are a number of mineral interests which will vest in the United States as of July 1 even though oil production will continue until October 1 of this year.

We have examined all laws and regulations applicable to this situation in an effort to develop a workable procedure under which royalty owners may obtain from the United States the right to continue to receive royalty payments for the 3-month period from July 1 to October 1. However, the Attorney General ruled that there is no procedure whereby landowners who conveyed their interests as of July 1 may participate in royalty payments beyond that date.

The purpose of this bill is to correct the situation which confronts the 38 landowners involved.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2620) to authorize the Secretary of the Army to modify certain contracts relating to the acquisition of mineral rights in the area to be inundated by the Carlyle Reservoir, Kaskaskia River, Ill., introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Public Works.

NATIONAL HISTORIC LANDMARK—CHATHAM SQUARE CEMETERY

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to provide for the inclusion of the Chatham Square Cemetery in New York City in the Registry of National Historic Landmarks.

The cemetery was purchased about 300 years ago by the members of Congregation Shearith Israel, which was founded in New York City in 1654. This is the oldest Jewish congregation in the United States. I have actually seen these tombstones, Mr. President, in this historic cemetery which dates back to 1682.

Located at St. James Place in Chatham Square, this small tract of land has deep and meaningful significance not alone for the Jewish residents of New York City but for all people of our Nation who have an abiding interest in democracy and religion, as well as the Jewish residents of New York City. I deeply believe that it would be altogether appropriate to have this hallowed ground designated as a National Historic Landmark.

Mr. President, I ask that the bill be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2621) to provide for the inclusion of the cemetery at St. James Place in Chatham Square, New York City, N.Y., in the Registry of National Historic Landmarks, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

GOVERNMENT STORAGE OF AGRICULTURAL COMMODITIES

Mr. DIRKSEN. Mr. President, during the debate on the cotton-wheat bill I offered an amendment relating to Government storage of commodities. Assurance was given me by the chairman of the committee that if a bill was introduced on the subject, there would be hearings held on it.

For that purpose, I introduce a bill, and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2622) relating to the storage of agricultural commodities, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

NATIONAL COMMISSION ON AUTOMATION AND TECHNOLOGICAL PROGRESS

Mr. HART. A few years ago, President John F. Kennedy urged that a detailed analysis be made of the impact of automation, not alone on the rights of the workers affected, but on the prospect of meeting community needs.

The recommendation we have received from President Johnson is one of many clear indications of his deep conviction that we must vigorously seek answers to the complex problem of the impact of automation. He proposes not a sterile study, but rather a Commission charged with a dynamic responsibility to seek new employment opportunities from the very technology that brought on the human problems resulting from automation.

I ask unanimous consent that at the conclusion of my remarks a message from the President of the United States; a bill which I shall introduce, and which accompanied the Presidential message; and a letter dated March 9, from the Secretary of Labor to the President, be printed in the RECORD.

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

(See exhibit 1.)

Mr. HART. Mr. President, on behalf of myself, the junior Senator from New Jersey [Mr. WILLIAMS], the senior Senator from West Virginia [Mr. RANDOLPH], the senior Senator from Minnesota [Mr. HUMPHREY], the senior Senator from Pennsylvania [Mr. CLARK], and the senior Senator from Oregon [Mr. MORSE], I introduce the following bill and ask that it be appropriately referred.

This bill is the evolution of a series of studies resulting from hearings which followed the introduction by me of a bill to study the application of technology to the community and human need (S. 2298), a similar proposal (S. 2427) made by the senior Senator from Minnesota [Mr. HUMPHREY], and extensive hearings by the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, of which the Senator from Pennsylvania [Mr. CLARK] is chairman.

Indeed, if one wants to go back in history, in 1939 the former Representative in Congress from West Virginia, now our Senate colleague, JENNINGS RANDOLPH, made a similar proposal. This resolution (H.J. Res. 39) would have authorized the Secretary of Labor to investigate the technological changes on labor.

The Commission proposed by the President and reflected by the bill now introduced would seek to develop not alone the understanding of the impact of automation on employment, but also any research in technology that can be applied to the vast unmet community needs across this country. If we have the technology to develop life-supporting systems as man goes to the moon, surely we have the means to apply the technology to clear the air at all points and keep clean the water on earth.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2623) to establish a National Commission on Automation and Technological Progress, introduced by Mr. HART (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXHIBIT 1

THE WHITE HOUSE,
Washington, D.C., March 9, 1964.

Hon. CARL HAYDEN,
President pro tempore of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: The technological revolution, which is providing us with the highest standard of living in the world has been accompanied by many problems. There have been dislocations, loss of jobs, and the specter of poverty in the midst of plenty.

At the same time we encourage progress we must be alert to the effects of the forces generating that progress. We must make sure that as technological progress creates new industries and job opportunities it does not impose too great a hardship on individual workers. I therefore recommend the creation of a National Commission on Automation and Technological Progress, to study current and future trends to technolog-

ical change, and to recommend the most constructive action that can be taken to secure maximum benefits with the least possible harmful effects upon the Nation.

I am enclosing a draft of legislation that will accomplish this purpose, together with the letter from the Secretary of Labor submitting the draft bill to me.

Congress, I know, has been giving considerable attention to these problems. I urge prompt enactment of this proposal.

Sincerely,

LYNDON B. JOHNSON.

S. 2623

A bill to establish a National Commission on Automation and Technological Progress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds it imperative to accelerate the national effort to—

(a) identify and assess the past effects and the current and prospective role and pace of technological change;

(b) identify and describe the impact of technological and economic change on production and employment, including new job requirements and the major types of worker displacement, both technological and economic, which are likely to occur during the next 10 years; the specific industries, occupations and geographic areas which are most likely to be involved; and the social and economic effects of these developments on the Nation's economy, manpower, communities, families, social structure and human values;

(c) define those areas of unmet community and human needs toward which application of new technologies might most effectively be directed, encompassing an examination of technological developments that have occurred in recent years, including those resulting from the Federal Government research and development programs;

(d) assess the most effective means for channeling new technologies into promising directions, including civilian industries where accelerated technological advancements will yield general benefits, and assess the proper relationship between governmental and private investment in the application of new technologies to large scale human and community needs.

(e) recommend, in addition to those actions which are the responsibility of management and labor, and of State and local governments, specific administrative and legislative steps to be taken by the Federal Government in meeting its responsibility (1) to support and promote technological change in the interest of continued economic growth and improved well-being of our people, and (2) to continue and adopt measures which will facilitate occupational adjustment and geographical mobility, and (3) to share the costs and help prevent and alleviate the adverse impact of change on displaced workers.

SEC. 2. In order to carry out the objectives of this Act there is hereby established the National Commission on Automation and Technological Progress, hereinafter referred to as the Commission.

SEC. 3. The Commission shall be composed of 14 members appointed by the President, by and with the advice and consent of the Senate, from among persons outside the Government with a competency in the areas to be dealt with by the Commission. One of such members shall be designated by the President as Chairman of the Commission. Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its power, but shall be filled in the same manner in which the original appointment was made.

SEC. 4. The Commission shall make a comprehensive and impartial study and make recommendations as needed for constructive action in the areas designated in section 1 of this Act.

SEC. 5. Members of the Commission appointed from outside Government shall each receive $100 per diem when engaged in the actual performance of duties of the Council.

SEC. 6. There is hereby established a Federal Interagency Committee consisting of the heads of the Department of Agriculture, Labor, Commerce, Defense, Health, Education, and Welfare, and the National Aeronautics and Space Administration, and the Chairman of the Council of Economic Advisers, and the Director of the Office of Science and Technology, or their designees, to advise the Commission and to maintain effective liaison with the resources of such departments and agencies. The Chairman of the Committee shall be the Secretary of Labor.

SEC. 7. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provision of the civil service laws and the Classification Act of 1949, as amended. In addition the Commission may procure temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $75 per diem for individuals.

(b) The Commission is authorized to appoint an Executive Secretary to oversee the work of the staff under the general direction of the Commission.

SEC. 8. All members and other personnel of the Commission shall be reimbursed for travel, subsistence, and necessary expenses in accordance with law.

SEC. 9. The Department of Labor shall provide the Commission necessary administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Commission and the Secretary of Labor.

SEC. 10. The Commission, on the authorization of the Commission, any subcommittee or panel thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require the attendance of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable.

SEC. 11. The Commission is authorized to negotiate and enter into contracts with private organizations to carry out such studies and to prepare such reports as the Commission feels necessary in order to carry out its duties.

SEC. 12. The Commission is authorized to secure directly from any executive department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized and directed to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon request made by the Chairman.

SEC. 13. The Commission shall submit a final report of its findings and recommendations to the President and the Congress by January 1, 1966. The Commission shall cease to exist thirty days after submitting its final report.

SEC. 14. There are hereby authorized to be appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 9, 1964.

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

DEAR MR. PRESIDENT: Briefly, this draft would create a 14-member commission, appointed by the President with the advice and consent of the Senate, to make a comprehensive and impartial study and recommendations for constructive action concerning the role and pace of technological and economic change, its impact on production and employment, by industry, occupation, and geographic areas, especially during the next 10 years, and ways in which it may be most effectively directed, by private and public means, both administrative and legislative.

Our technological progress is rooted in a labor force with the best education and training in the world; enterprising business and dynamic agriculture, investing plentiful capital; rich natural resources; and our free society in which free workers, enterprise, and Government make it possible for the factors of production to work effectively together.

The contribution of technological progress to economic progress and its meaning for Americans and indeed for all the world is plain for all to see:

Output per man-hour in our economy has been increased over 3½ times since 1900. In the same period, the average workweek has been shortened by over 15 hours—and per capita gross national product has been almost tripled.

The average factory worker in 1900 earned a bit over 50 cents an hour in today's prices, while the contemporary worker earns over $2.50.

Agricultural output per man-hour has increased fourfold since 1930. The factory worker who had to work almost 19 hours in 1930 for his family's weekly groceries can now buy a more varied and better weekly food basket with the earnings of less than 9 hours of work.

From the technological advance, innovation, and industrial dynamism which typify America have sprung many new industries since the turn of the century to provide employment for millions of workers in wholly new activities. Consider, for example:

The automobile industry, which was miniscule in 1900, generates today employment of over 2½ million workers (about 700,000 of them in manufacturing of autos).

The electronic and communications industries, which employ over 1½ million workers (half of them in manufacturing).

The aircraft and air transport industries, which directly and indirectly employ a million workers.

The chemicals, plastics, drugs, and pharmaceutical industries, which employ over 800,000 in manufacturing alone.

The same technical advance which makes possible our growth also brings displacement of workers, obsolescence of skills, and geographic shifts in economic activity. In new technology's wake, old industries wane. Carriage and blacksmith shops give way to automobile factories. The pony express yields to the railroad and to the telegraph. The railroads and telegraph in turn give way to the plane and the telephone.

Traditional jobs decline, particularly for less skilled and less educated workers—factory work on assembly lines changes to automatic assembly by machine; nimble hands and strong backs are replaced by machines everywhere to pick farm produce, operate

elevators, move materials, dig roadbeds, type bills, load trucks, set up bowling pins.

New technology encourages geographic shifts, so that many mining regions deteriorate; rural areas fall behind in opportunity; and one-industry towns become no-industry towns.

Our Nation has ever to be alert that such changes and dislocations, inevitable in the wake of progress, do not foster joblessness along with new jobs.

We should not tolerate the cruel paradox of excessive unemployment in the midst of record prosperity. Simple justice as well as our economic self-interest requires dedicated action to minimize the dislocations and costs that come with progress—to create new employment opportunities and to help displaced workers find and adjust to new jobs promptly.

We know that if management and labor, regions and communities, schools and governments can foresee the extent and nature of impending changes, they can often take effective steps to protect workers through retraining and relocation, reliance on attrition to make necessary reductions, and other measures; to revamp the local industrial base in light of new possibilities opened by new technology; and to develop new skills, new programs, new institutions to take advantage of new economic opportunities.

You have asked the President's Advisory Committee on Labor-Management Policy to explore what is being done and what can be done by management and labor to meet displacement and adjustment problems which automation and technology raise for workers, unions, and employers.

Beyond this, however, I believe it necessary for the Nation to undertake a more far-reaching, comprehensive, and dispassionate effort than heretofore to identify and assess the directions in which automation and other continuing technological advances are thrusting forward; the range of steps we can embark on to reap technology's full potential for the good of all our people while preventing and easing adverse effects on individual workers and communities.

To this end, I submit to you this draft providing for Congress to establish a National Commission on Automation and Technological Progress to gage our technological course and recommend how to gain its maximum benefit with minimum adverse impact.

Respectfully yours,

W. WILLARD WIRTZ,
Secretary of Labor.

Mr. MORSE. Mr. President, I congratulate the Senator from Michigan on the introduction of the bill, for I think it deals with probably the major domestic economic issue which confronts the country. As he knows, for a long time I have advocated the appointment of a Presidential National Council of Automation. I proposed it in formal form last year at one time, when President Kennedy adopted the proposal, and included in it a recommendation which he made in connection with the then railroad crisis which plagued us. Subsequently, he made very clear that he was in favor of the appointment of such a Commission, with legislative support. I am delighted that President Johnson has followed in support of the same program, and I congratulate him on the announcement—as I said this morning in the Education Subcommittee—of the appointment of such a Commission.

I consider it an honor to join as one of the cosponsors of the bill introduced by the Senator from Michigan.

ADDITIONAL REGULATORY AUTHORITY OVER COMMUNICATIONS COMMON CARRIERS BY THE FEDERAL COMMUNICATIONS COMMISSION

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Communications Act of 1934, as amended, to give the Federal Communications Commission certain regulatory authority over communications common carriers.

This proposed legislation has been requested by the Federal Communications Commission. I ask unanimous consent that there may be printed in the RECORD a letter from the Chairman of the Federal Communications Commission and accompanying statement explaining the purposes of the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2624) to amend the Communications Act of 1934, as amended, to give the Federal Communications Commission certain additional regulatory authority over communications common carriers, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., February 25, 1964.

The Honorable CARL HAYDEN,
President pro tempore of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: The Commission has adopted as a part of its legislative program for the 88th Congress a proposal to amend the Communications Act of 1934, as amended, to give the Federal Communications Commission certain additional regulatory authority over communications common carriers by adding a new section 223.

The Commission's draft bill to accomplish the foregoing objective was submitted to the Bureau of the Budget for its consideration. We have now been advised by that Bureau that from the standpoint of the administration's program there would be no objection to the presentation of the draft bill to the Congress for its consideration. Accordingly, there are enclosed six copies of our draft bill and explanatory statement on this subject.

The consideration by the Senate of the proposed amendment to the Communications Act of 1934 would be greatly appreciated. The Commission would be most happy to furnish any additional information that may be desired by the Senate or by the committee to which this proposal is referred.

Yours sincerely,

E. WILLIAM HENRY, *Chairman.*

EXPLANATION OF PROPOSED AMENDMENT TO TITLE II OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED, TO GIVE THE FEDERAL COMMUNICATIONS COMMISSION REGULATORY AUTHORITY OVER THE INTERCHANGE OF COMMUNICATIONS FACILITIES BETWEEN COMMUNICATIONS CARRIERS

This proposal would give the Commission statutory authority over the charges and other terms and conditions in arrangements between communications common carriers for the interchange of their communications facilities or in arrangements between communications carriers regarding the furnishing of facilities or services by one communications carrier to another.

In order to implement this authority so that the public convenience and necessity will be fully protected the proposal would also empower the Commission, upon petition and after a full opportunity for hearing, to order one common carrier to provide interstate or foreign communication by wire or radio to one or more other carriers if the Commission finds that the service sought will serve the public convenience and necessity.

Since, under the Communications Act, the provision of facilities by one common carrier to another common carrier is not regarded as a common carrier undertaking, the Commission has no regulatory authority over the charges and other terms and conditions in arrangements between such carriers for the interchange of their communications facilities or in arrangements regarding the furnishing of facilities or services by one communications common carrier to another. This statutory hiatus makes it possible for one carrier to discriminate in its charges for the rental and use of its facilities by other common carriers with a resultant detrimental effect on both services and charges to the public. The Commission, therefore, believes that it needs the requested additional authority to fully protect the public convenience and necessity in this area.

By way of example, it is possible under the present law for one carrier to refuse to lease facilities to another at charges, and under terms and conditions, as favorable as it leases its same facilities to the public. It is also possible for a carrier to lease facilities to one carrier at charges, or under terms and conditions, more favorable to such carrier than to another carrier. Thus the leasing carrier's service to the public is limited and its charges to the public are also affected without either the leasing carrier or the public having an effective forum to consider their interests.

It is to be noted that this provision would parallel section 401 of the Communications Satellite Act of 1962 (47 U.S.C. 741) which provides that the furnishing of satellite terminal station facilities by one communication carrier to another is deemed to be a common carrier activity fully subject to the Communications Act. In explaining why such provision was added to that act, the report of the Senate Committee on Commerce stated:

"The reason for this amendment is because the provision of facilities by one common carrier to another common carrier has not been regarded as a common carrier undertaking." (S. Rept. No. 1584, 87th Cong., 2d sess.)

Somewhat similar authority is given Civil Aeronautics Board by the Federal Aviation Act of 1958 (cf. section 412, Federal Aviation Act of 1958, 49 U.S.C. 1382).[1]

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[1] That section provides:

"(a) Every air carrier shall file with the Board a true copy, or, if oral, a true and complete memorandum, of every contract or agreement (whether enforceable by provisions for liquidated damages, penalties, bonds, or otherwise) affecting air transportation and in force on the effective date of this section or hereafter entered into, or any modification or cancellation thereof, between such air carrier and any other air carrier, foreign air carrier, or other carrier for pooling or apportioning earnings, losses, traffic, service, or equipment, or relating to the establishment of transportation rates, fares, charges, or classifications, or for preserving and improving safety, economy, and efficiency of operation, or for controlling, regulating, preventing, or otherwise eliminating destructive, oppressive, or wasteful competition, or for regulating stops, schedules, and character

To insure that this new authority would fully protect the public interest the Commission also believes that it should be able under appropriate circumstances to order one carrier to provide service to another. Otherwise, even if the Commission were able to regulate the charges and terms and conditions applicable to the interchange of facilities among carriers, it would still be powerless to require carriers in the first instance to furnish facilities or services to another carrier or to require a carrier to continue to furnish facilities to another carrier although it may be in the public interest to do so. Absence of such authority might result in costly duplication of facilities by two common carriers, with a resultant adverse effect on the public. Under the new regulatory authority which the Commission is requesting it could, upon receipt of a petition and after a full opportunity for hearing, order one of the carriers to lease its facilities to the other if the public convenience and necessity would be served thereby.

Thus, the Commission believes that in order more effectively to carry out its statutory duties in the public interest this additional regulatory authority is needed to remedy those situations where, because of a statutory gap, it is powerless to assure that the public is provided with the most economical and efficient communication service.

Adopted May 8, 1963.

CLAIMS OF AMERICAN NATIONALS AGAINST THE GOVERNMENT OF CUBA

Mr. SMATHERS. Mr. President, I am today introducing proposed legislation that is the first constructive and affirmative step taken on behalf of U.S. citizens who, as residents of Cuba prior to Castro, were the victims of the Communist evil that he brought to that country.

But it is equally a measure for the general public good, since it brings our bookkeeping up to date by providing for immediate adjudication of U.S. losses in Cuba and, most important, it seeks to make available the talents of hundreds of Latin-experienced American businessmen to the Alliance for Progress.

The bill calls for the adjudication of all claims at this time, for loans to claimants holding adjudicated claims and for the creation of a fund that will utilize blocked Cuban assets in the United States. These are highly worthwhile goals.

The adjudication of the losses of our own citizens in Cuba is long overdue and as time passes, it will become more and more difficult for these individuals to find the necessary documents and witnesses to substantiate their cases. By putting off this matter, we are simply adding to the confusion of some future date—for all of these matters will have to be resolved sooner or later.

Nor is it any answer to state that we should wait until records are available from Cuba. This presumes that despite the passage of 5 years of Communist tyranny in Cuba, its individual and corporate records will remain available for processing at some indefinite date in the future. Quite to the contrary, when we bargain with the government that succeeds in ousting Castro, we should have in our possession at that time an as accurate as possible statement of U.S. losses in Cuba.

But in these 5 long years, we have done nothing to prepare that statement, which leaves us in a position where we are forced to rely on rough estimates and unsupported guesses.

The first sections of this bill provide for the presentation of all claims within 6 months of passage of the act and for the adjudication of all claims through the regular channels of the Foreign Claims Settlement Commission.

The measure also proposes that blocked Cuban assets in the United States—a figure estimated to reach nearly $200 million—be turned over to the proper U.S. Government official and, after 5 percent has been allotted to the United States for expenses, that these funds be made available to the claimants who hold adjudicated claims.

I am especially interested in that part of the bill which is aimed at stimulating the use of the now dormant talents of hundreds of U.S. businessmen who lost out to communism in Cuba. The beneficiaries of this measure are Americans who, through their investments in Cuba, have contributed to the economic development of the hemisphere and who, through no fault of their own, have, in many instances, lost their entire savings and means of livelihood.

The section of this legislation which permits claimants to secure loans up to 80 percent of their adjudicated claims for the purpose of reinvesting in Alliance for Progress programs will encourage these people to make use of their past experience and talents and at the same time promote private investment in Latin America—so necessary if the Alliance is to be a success.

I believe that this bill constitutes a constructive answer to this growing problem. It would permit experienced bilingual Americans to become a strategic part of our oversea economy.

This is the way a democracy should act. This is the way that the United States can demonstrate to other countries that it can use with imagination the talents of those of its citizens who, though once caught in the crosscurrents of communism, are nevertheless willing to once again export democracy throughout Latin America.

It is also important to point out that this piece of legislation is aimed at helping the small investor in Cuba. Large corporations and businesses have already written off most of their losses but up until now there has been no recourse provided to compensate the individual.

I might also mention that since its establishment in 1949, the Foreign Claims Settlement Commission has adjudicated millions of dollars in losses suffered by Americans in Czechoslovakia, Poland, and Hungary. It appears to me only fair and equitable that similar legislation be enacted to include the adjudication of claims against the present Government of Cuba.

In conclusion, I am convinced that this bill will help our position in the hemisphere and that it is a fresh and positive answer to the evil of communism in Cuba. I have been extremely pleased by the great interest generated by this proposal and urge that it receive favorable action by the Congress.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2625) to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of American nationals against the Government of Cuba; to provide for payment of such claims; and to provide that the uncompensated portion of approved claims may be the collateral for certain loans made to claimants by the Secretary of State, introduced by Mr. SMATHERS, was received, read twice by its title, and referred to the Committee on Foreign Relations.

CHANGE OF REFERENCE

Mr. JOHNSTON. Mr. President, Senate bill 2590, to amend title 37, United States Code, to authorize payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes, was introduced on March 3, 1964, at the request of the Department of the Navy, and was referred to the Committee on Post Office and Civil Service.

Since this bill amends title 37, United States Code, which relates to pay and allowances of military personnel and dependents, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of S. 2590 and that it be referred to the Committee on Armed Services.

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

FREE IMPORTATION OF WILD ANIMALS AND WILD BIRDS—AMENDMENT TO RESTRICT IMPORTS OF BEEF, VEAL, MUTTON, AND LAMB

AMENDMENT NO. 467

Mr. HRUSKA. Mr. President, I submit, for appropriate reference, an amendment, intended to be proposed by me, to the bill (H.R. 1839) to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States. I ask unanimous consent that the amendment be printed in the RECORD and lie on the desk until

of service, or for other cooperative working arrangements.

"(b) The Board shall by order disapprove any such contract or agreement, whether or not previously approved by it, that it finds to be adverse to the public interest, or in violation of this chapter, and shall by order approve any such contract or agreement, or any modification or cancellation thereof, that it does not find to be adverse to the public interest, or in violation of this chapter; except that the Board may not approve any contract or agreement between an air carrier not directly engaged in the operation of aircraft in air transportation and a common carrier subject to the Interstate Commerce Act, as amended, governing the compensation to be received by such common carrier for transportation services performed by it."

5 p.m. this evening, so that the names of cosponsors may be added.

The proposal is identical to the text contained in the bill I introduced last Friday, S. 2612, on behalf of myself and a number of other Senators, which provided for mandatory quotas on imports of fresh, chilled, and frozen beef, veal, mutton, and lamb at the level of 1960 imports. It is my intention to propose this amendment and testify in its behalf at the hearing to be held by the Senate Finance Committee beginning tomorrow.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD and held at the desk, as requested by the Senator from Nebraska.

The amendment (No. 467) was referred to the Committee on Finance as follows:

At the end of the bill insert the following:

"SEC. 3. The total quantities of fresh, chilled, or frozen beef, veal, mutton, and lamb which may be entered, or withdrawn from warehouse, for consumption during any period of 12 months shall not exceed the quantities of such products imported into the United States during the 12 months ending on December 31, 1960: *Provided*, That for the year beginning January 1, 1965, and for any year thereafter, the President by proclamation may provide for an increase in such quota by a percentage not greater than the percentage increase in estimated population of the United States over the estimated population for 1964.

"(b) The annual quota for the unexpired portion of the calendar year in which this title becomes effective shall be a quantity equal to such average annual quantity reduced by an amount equal to one-twelfth thereof for each calendar month or part thereof that has expired in such year prior to the effective date of this Act.

"SEC. 4. Whenever the President determines that the imposition of import quotas on cattle or sheep, or any products thereof other than those referred to in section 3, is necessary in order to maintain reasonable prices on cattle or sheep, or on beef, veal, mutton or lamb products, he is authorized to issue a proclamation prescribing the total quantities of such cattle, sheep, or products which may be entered, or withdrawn from warehouse for consumption during the period or periods specified in such proclamation, and the total quantities so entered or withdrawn during such period or periods shall not exceed the quantities so prescribed.

"SEC. 5. The President is authorized to allocate any quota imposed by or pursuant to this Act among exporting countries on the basis of the amounts supplied by such countries during a previous representative period or periods, or upon such other basis as he may deem to be fair and reasonable.

"SEC. 6. Sections 3, 4, and 5 of the Act shall take effect as soon as practicable on a date to be specified by the President in a notice to the Secretary of the Treasury following such negotiations as may be necessary to effect a modification or termination of any international obligation of the United States with which the amendment might conflict, but in any event not later than sixty days after the date of enactment of this Act."

Under authority of the order previously entered, the names of Senators AIKEN, ALLOTT, BENNETT, BIBLE, CARLSON, CURTIS, DOMINICK, EASTLAND, EDMONDSON, GOLDWATER, HICKENLOOPER, JORDAN of Idaho, KUCHEL, MECHEM, MILLER, MORSE, MOSS, MUNDT, NEUBERGER, PEARSON, SIMPSON, and TOWER were added as additional cosponsors of amendment No. 467.

AMENDMENT NO. 468

Mr. PROXMIRE. Mr. President, I submit an amendment, intended to be proposed by, to House bill 1839, which I ask to have printed and appropriately referred.

The PRESIDING OFFICER. The amendment will be received, printed, and referred to the Committee on Finance.

Mr. PROXMIRE. What the amendment does is supplement the proposal for import quotas on beef and other meat products with quotas on dairy products.

I ask unanimous consent that the amendment be printed in the RECORD.

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

The amendment (No. 468) is as follows:

At the end of the bill insert the following:

"SEC. 3. The total quantities of beef, veal, and mutton (in all forms except canned, cured, and cooked meat, and live animals), lamb and dairy products originating in any country which may be entered, or withdrawn from warehouse, for consumption during any period of twelve months shall not exceed the average annual quantities of such products imported from such country during the five-year period ending on December 31, 1963: *Provided*, That for the year beginning January 1, 1965, and for any year thereafter, the President by proclamation may provide for an increase in such quota by a percentage not greater than the percentage increase in estimated population of the United States over the estimated population for 1964."

Amend the title so as to read: "An act to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States, and for other purposes."

NEW SPONSORS FOR EDUCATION BILL

Mr. HARTKE. Mr. President, on last Friday I received unanimous consent for the addition of a group of sponsors at the next printing of the Hartke college education assistance bill, S. 2490. My distinguished colleagues in that list included Senators BAYH, CLARK, GRUENING, HUMPHREY, LONG of Louisiana, LONG of Missouri, MCGEE, MCINTYRE, MUSKIE, RANDOLPH, and SMATHERS. I now ask unanimous consent for addition to that list of the following: Senators BURDICK, YARBOROUGH, MOSS, INOUYE, CANNON, and KENNEDY.

Mr. President, the second hearing on this bill was held this morning. I would like to call attention to the fact that those who testified, and they are a distinguished group of leaders in higher education, were unanimous in their support of this bill. They included Dr. Francis H. Horn, president of the University of Rhode Island; Dr. James F. Carr, Jr., of Florida State University; Dr. Carl Grip, of Temple University; Dean John Munro, of Harvard College; and Dr. Rexford Moon, director of the College Scholarship Service which is the student aid clearinghouse for so many colleges and universities.

Additional testimony was presented by Dr. Fred Harrington, president of the University of Wisconsin, speaking for the Association of State Universities and Land-Grant Colleges; and by Mr. Robert W. Sneden, president of the United Business Schools Association.

Mr. President, there has been a most remarkable response not only from these organizations and their leaders, but from a wide variety of educational associations from the American Congress of Parents and Teachers to the American Association of University Professors, the American Association of Colleges of Pharmacy, and the American Home Economics Association. I have had numerous letters from such organizations and from individual college presidents, and from individuals as well, who are expressing the liveliest of interest, who are studying the bill, and who are coming to its support. I shall welcome all of my colleagues from both sides of the aisle who may wish to do the same, and I am glad for the broad scope of the interest shown by those who have already joined in cosponsorship.

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

ESTABLISHMENT OF COURT OF VETERANS' APPEALS—ADDITIONAL COSPONSOR OF BILL

Mr. HART. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Illinois [Mr. DOUGLAS] may be added as a cosponsor of the bill (S. 2509) to amend title 38, United States Code, to establish a Court of Veterans' Appeals and to prescribe its jurisdiction and functions, which I introduced, on behalf of myself and other Senators, on February 17, 1964.

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

AUTHORIZATION OF INTERNATIONAL PASSAMAQUODDY TIDAL POWER PROJECT—ADDITIONAL COSPONSORS OF BILL

Mr. HUMPHREY. Mr. President, on behalf of the Senator from Maine [Mr. MUSKIE], I ask unanimous consent that, at its next printing, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Connecticut [Mr. DODD] be added as additional cosponsors of the bill (S. 2573) to authorize the international Passamaquoddy tidal power project, including hydroelectric power development of the upper Saint John River, and for other purposes, introduced by the Senator from Maine [Mr. MUSKIE], for himself and other Senators, on February 27, 1964.

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

WORK-STUDY PROGRAMS FOR YOUTHS—ADDITIONAL COSPONSOR OF BILL

Mr. HUMPHREY. Mr. President, at its next printing, I ask unanimous consent that the name of the senior Senator from Connecticut [Mr. DODD] be added as a cosponsor of the bill (S. 2594) to assist States in providing work-study programs for youths who need the earn-

ings from part-time employment to begin or complete their formal secondary education.

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

ADDITIONAL COSPONSOR OF AMENDMENT NO. 465

Mr. HUMPHREY. Mr. President, I ask unanimous consent that at the next printing of the amendment submitted by the Senator from Montana [Mr. MANSFIELD] to the bill (H.R. 1839) to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States that my name be added as a cosponsor to his amendment relating to beef imports.

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

HIGH SCHOOL DROPOUT ACT OF 1964—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 4, 1964, the names of Mr. CLARK, Mr. DOUGLAS, Mr. HUMPHREY, Mr. LONG of Missouri, Mr. MORSE, Mr. PELL, Mr. RANDOLPH, and Mr. YARBOROUGH were added as additional cosponsors of the bill (S. 2594) to assist States in providing work-study programs for youths who need the earnings from part-time employment to begin or complete their formal secondary education, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators) on March 4, 1964.

NOTICE OF HEARINGS ON CERTAIN NOMINATIONS

Mr. ROBERTSON. Mr. President, I should like to announce that the Committee on Banking and Currency will hold hearings on the nominations of James Louis Robertson of Nebraska, to be a member of the Board of Governors of the Federal Reserve System, and Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission.

The hearing is scheduled to be held on Wednesday, March 11, 1964, in room 5302, New Senate Office Building, at 10:30 a.m.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 10, 1964, he presented to the President of the United States the enrolled bill (S. 1964) to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 72) relative to the death of His Majesty, King Paul of Greece.

SENATOR TALMADGE'S APPEARANCE ON RADIO PROGRAM "WASHINGTON VIEWPOINT"

Mr. RUSSELL. Mr. President, last evening my distinguished colleague and friend Senator TALMADGE, appeared as the guest on the radio program "Washington Viewpoint," which was presented over Westinghouse Broadcasting Co. stations.

In the course of this program, Senator TALMADGE brilliantly dissected the so-called civil rights bill and exposed it as a Federal power grab rather than a true civil rights bill. In a cogent summary of the bill's evil effects, Senator TALMADGE said:

It would introduce the police power of the U.S. Government in every area of human conduct, from the cradle to the grave. It would regulate where we sleep, where we eat, where we work, and be backed up with Federal power and a Federal police force.

Mr. President, as my colleague observed, the American people will rise up and demand that this legislation be stricken down if they are ever given an adequate opportunity to learn the sweeping provisions it contains to limit constitutional rights of all citizens. I believe this program helped to dispel some of the planned confusion that surrounds this issue, and I recommend it to readers of the CONGRESSIONAL RECORD.

I ask unanimous consent that it be printed in the body of the RECORD.

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

THE WESTINGHOUSE BROADCASTING CO., "WASHINGTON VIEWPOINT," PRODUCED BY THE WBC WASHINGTON NEWS BUREAU

Guest: Democratic Senator HERMAN E. TALMADGE, of Georgia.

Interviewed by: Miss Ann M. Corrick, assistant chief, WBC Washington news bureau, and Pete Clapper, WBC correspondent.

Miss CORRICK. Good evening. This is Ann Corrick with Pete Clapper in the Senate Radio-Television Gallery on Capitol Hill. The Senate this week is heading into the long-awaited debate on the most sweeping civil rights bill to come before Congress in recent years. Southern Senators have denounced the House-passed bill, and have pledged to fight against it with every weapon at their command. Our guest on "Washington Viewpoint" this evening will be in the front lines of the battle. He is Democratic Senator HERMAN EUGENE TALMADGE, of Georgia, former Governor of Georgia, now serving his second term in the Senate. Senator TALMADGE is a member of the Senate Agriculture and Finance Committees.

Senator, your colleague, Senator HUMPHREY, who will floor manage the civil rights bill, said the other day that as of now he does not believe around-the-clock sessions or cloture will be necessary to get the bill through the Senate. What do you think of Senator HUMPHREY's prophesy in this matmatter?

Senator TALMADGE. Of course, we have no way of knowing what the leadership may do about the round-the-clock sessions. I hope they would not resort to that. A good number of the Senators are elderly men and it really imperils and endangers their health. It would serve no useful purpose. And I hope that we do not have a physical endurance contest on the floor of the Senate.

Miss CORRICK. Senator RUSSELL, who is often called the commanding general of the southern bloc, has indicated that the southern Senators intend to engage in extended debate on the civil rights measures. How long do you think would be an appropriate time to debate the civil rights bill?

Senator TALMADGE. Well, of course, this bill is so drastic in all of its provisions until I hope we can have an opportunity to let the people in America know exactly what it does contain. And, incidentally, Ann, there are quite a number of Senators who are opposed to this bill besides southern Senators. It's drastic in its implications. It does violence to the Constitution of the United States in a great many respects. And I think when the people become aware of the content of the bill, they will rise up and demand that at least its most extreme features be stricken. It would introduce the police power of the U.S. Government in every area of human conduct, from the cradle to the grave. It would regulate where we sleep, where we eat, where we work, and be backed up with a Federal power and a Federal police force. Now I don't think the people of the United States of America desire that.

Miss CORRICK. Senator, administration leaders concede that in order to get a vote on cloture—the motion which would cut off debate—they need the votes of 20 to 25 Republicans to be successful. And you mentioned a while ago that it's not just southerners who are opposed to this bill, presumably, some Republicans, too. Do you think they can get the votes of the Republicans they need to invoke cloture?

Senator TALMADGE. Of course, that remains to be seen. I think that everyone who has studied this bill and takes his oath of office conscientiously to uphold and defend the Constitution, in the final analysis, will have to be opposed to it. I don't see how anyone, for instance, could support the starvation provision—the so-called title VI. Now during the era of Senator McCarthy, there was a good deal of talk about guilt by association. But this title VI takes that one step further, and makes whole people guilty by virtue of their geography. Now that provision of the bill would let a Federal official, anytime it suits his caprices or pleasures, cut off all Federal funds of any kind or character that go into entire States, entire counties, entire cities, entire regions of our country, or any area of our country, whether it be pensions for disabled veterans, social security, old-age assistance, school lunchroom programs, or anything else. Now that's the most drastic provision I've ever heard of in a free republic. And I'd like to read what President Kennedy himself said about that provision when it was recommended by the Civil Rights Commission last year. And he told the American newspaper editors here in Washington on April 19: "I don't have the power to cut off aid in a general way as was proposed by the Civil Rights Commission. And I would think it would probably be unwise to give the President of the United States that kind of power." That was his statement then. I'm convinced he was correct then. That's the position that many of us in the Senate will take now.

Mr. CLAPPER. Senator, are you opposed only to title VI, or are there many other features?

Senator TALMADGE. There are several other features. Another provision of it that I think is extremely reprehensible—it would introduce police power of the Federal Government into the hiring and firing and promotion practices of all businesses in this country that have 25 employees or more. Now under the American system, the individuals, the employee and the employer, and the labor unions involved, make their decisions as to who will be employed at a certain place, what the salary will be, their seniority rights, their promotions. But this would set up a Federal employment practice commission and make all of that regulated by the Government. The Government would take over the responsibilities of the individuals, both employer and employee, and the

labor unions. And the matter of working would be a matter to be determined by the Government, not the free will of individuals. And that's wholly repugnant to our free system of society. It's a police state proposition. And here's what President Johnson said about that when he was a Member of the U.S. Senate.

Mr. CLAPPER. You came well prepared, Senator.

Senator TALMADGE. He said, "To me, the least meritorious proposal in the whole civil rights program. Such a law would necessitate a system of Federal police officers, such as we have never seen before. It would require the policing of every business institution, every transaction made between an employer and employee, and virtually every hour of an employer's and employee's association while at work." And he said further, "I can only hope sincerely that the Senate will never be called upon to entertain seriously any such proposal again." And that was President Johnson speaking. I think he was correct at that time. And there are many of us in the Senate who still think he was correct. And we're going to try to point that out to the American people.

Miss CORRICK. I'm sorry, Senator, I didn't catch when President Johnson said that.

Senator TALMADGE. He made that statement on March 9, 1949, in a speech on the floor of the U.S. Senate.

Mr. CLAPPER. Senator, is it true then that your overall objections and the objections of your southern colleagues on the Senate floor to this big civil rights bill will be on the grounds that it's bringing the Federal police power into this State, that it is a police bill?

Senator TALMADGE. That is exactly what it is. Now I think all of us believe in civil rights. I certainly do. I want every American citizen to enjoy all the rights granted to every other citizen of America by the Constitution of the United States. They have those rights now. The first 10 amendments give them these rights. The 13th and 14th amendments gives them these rights. They are enforceable in court, both State and Federal. But if you'll study the first 10 amendments and the 13th and 14th amendments, they are prohibitions against power of Government. Now this so-called civil rights bill that we have now is not a prohibition against Federal power. It's just the opposite. It increases Federal power in every area. Through history the liberty of peoples has been lost by the tyranny of government. People never lose their liberties by the actions of fellow citizens. It is government action that destroys the rights and liberties of our people. It's a blueprint for dictatorship and that's what I think will ultimately result if we pass something that regulates every area of human life, from where people sleep to where they eat, and where they work, becomes the responsibility of the Federal Government, why it will be almost like "1984," that book that was written about England when they all lived in an ant hill, and the government regulated everybody, and no one had any rights to do anything.

Miss CORRICK. Senator TALMADGE, in that connection, I believe you're talking about the public accommodations section of the bill as one of the most controversial sections.

Senator TALMADGE. I hadn't gotten into that. It's certainly a portion of the bill that I am opposed to.

Miss CORRICK. In connection with the Federal regulation, Republican Leader DIRKSEN reportedly is working on an amendment to the public accommodations section, which would put it on a voluntary basis. Would that be acceptable to you?

Senator TALMADGE. I certainly have no objection to any citizen serving whomever he sees fit. But in Anglo-Saxon jurisprudence, the right to own property has been quite a sacred right. Now it can be denied by the Federal Government, or any other government, for that matter, but when we confiscate private property, and we take it over, the law requires that it be condemned and adequate payment made for it. Now the right to use and enjoyment of private property is one of the most sacred rights we have. And if you take over a man's property, you should condemn it and you should compensate him for it. This bill doesn't do that. It makes public property out of private property, without compensation and then goes one step further. It even provides that if I am a shoeshine boy, for instance, and someone comes in and wants his shoes shined, I couldn't decline. I'd be compelled to shine that individual's shoes, whether I wanted to or not, to shave him whether I wanted to or not, to cut his hair if I were a barber, or if I were a beautician, I would have to polish his fingernails, whether I wanted to or not. Now that, to my mind, certainly violates the 13th amendment of the Constitution, because that's involuntary servitude.

Mr. CLAPPER. Senator TALMADGE, can you tell us about any possible deals between President Johnson and your Southern colleagues to perhaps water down portions of the civil rights bill to get it through the Senate?

Senator TALMADGE. I have heard of no such deal. I think President Johnson will utilize every resource at his command to try to pass the bill in its present form. And I would certainly hope that it can be defeated or at least the most extreme, unconstitutional provisions thereof, stricken.

Mr. CLAPPER. Do you think that President Johnson is willing to compromise anywhere?

Senator TALMADGE. I couldn't speak for President Johnson. He's adequately able to speak for himself, and will, and has. I take him at his word that he wants the bill passed in its present form.

Miss CORRICK. Senator TALMADGE, the civil rights debate was delayed so that the Senate could act on new wheat and cotton legislation, in which southerners have considerable interest. Do you think perhaps by any chance the Democratic leadership ran in the farm bill in order to soften up southern opposition to the civil rights bill?

Senator TALMADGE. Oh no. All the people of the country have an interest in farm bills. We all must eat. Wheat, I think, is grown in virtually every State in the Union. Cotton is grown in some 22 States in the Union. And all of us wear cotton. And millions and millions of people are engaged in all kinds of endeavors that utilize both cotton and wheat. It's vital to our country. I think the majority leader brought up the bill because it's planting time for wheat, and if we're going to act on farm legislation, it had to be done at that time. We couldn't wait until after wheat's up to pass a bill with reference to wheat.

Miss CORRICK. What's the outlook for getting that farm bill through the House and into law?

Senator TALMADGE. I hope that the conference committee will agree to it very rapidly.

Mr. CLAPPER. Senator TALMADGE, speaking of farm bills, do you expect any more farm legislation—major farm legislation—beyond this, this year?

Senator TALMADGE. Well, of course, the sugar act expires, and it will have to be renewed this year. I do not know what other major farm legislation might be considered. I would think the sugar bill would probably be the most important farm legislation that will be considered during the remainder of the year. Strangely enough, it has dual jurisdiction. In the House, the Agricultural Committee considers the sugar bill. And in the Senate, because it's a matter of imports and tariffs, the Senate Finance Committee, on which I have the honor to serve, considers it.

Mr. CLAPPER. Senator, I don't want to get sidetracked too much into the farm problems of the country, but I did want to ask you one big sweeping, overall question. Will we ever stop paying these tremendous amounts of money to farmers to subsidize their crops?

Senator TALMADGE. I would hope we would change our farm program. Since I have been in the Senate, I have endeavored to do so, but thus far I haven't had the votes to get my ideas of farm legislation across. Now farmers cannot be the only people in our society that rely on their own initiative and resources. They need some support. But it's ridiculous in the extreme to have the Government acting as pawnbroker for farm commodities. And we're spending about $7 billion a year on alleged agricultural programs. But of the $7 billion, a farmer never sees but about a billion eight hundred million. The rest of it goes for public welfare programs of various types, health progams of assistance to all of our people, foreign aid, in the form of Public Law 480. I would revise those programs to a considerable degree, but I would still give some support to the farmers. But I would take the Government out of the business of acquiring, storing, shipping, selling, and giving away farm commodities. The Government shouldn't be in that business in any way whatever. We need a bill that will give the farmers freedom to farm, give them a fair share of the national income, and put American farm commodities back on the world market at competitive prices.

Miss CORRICK. Senator TALMADGE, it was your committee—the Finance Committee—which produced the tax cut bill which is now law. One of the key objectives of that measure was to release more consumer spending power, by cutting the average American's taxes. But suppose the taxpayers don't spend that money? Suppose they put it in banks and save it?

Senator TALMADGE. Ann, I'm not one of those individuals that thinks it's a shame if you don't spend all the money that you get. I would hope that some American citizens would save some of the money. And I'm confident that some of them will. But knowing human nature, as I do, the overwhelming majority of them will spend that money. Some of them will save it. Some will spend it. Many of them will use it for investment purposes. It will create other jobs. But we are releasing an additional $25 million a day, or $800 million a month into the channels of commerce in our country. And I'm confident that it will produce additional jobs, that it will help our economy in any number of ways.

Miss CORRICK. How soon do you believe our economy will begin feeling the impact of this?

Senator TALMADGE. As a matter of fact, I think it's already beginning to because some of them, on the assumption that their taxes would be reduced, have been spending more money than they otherwise would have. If you will check the sales of the stores, you'll see that's already reflected. And our economic pulse now, I think, is beating at about the highest level in any time in the history of our Republic.

Mr. CLAPPER. Do you feel pretty confident about the overall economy, then, in spite of this continuing unemployment?

Senator TALMADGE. Pete, I would think that certainly the present state of our economy, plus the tax reduction, will assure us a good economic year for 1964, and perhaps the early part of 1965. I don't think anyone can see economically beyond that point. Now I do not think that the tax bill alone and by itself will cure all of our unemployment problems, because they're many, they're varied, they're complex. We are witnessing a transition in many areas from agriculture to industrial development. We have seen

automation to the degree that a willing mind and a strong back and strong muscles no longer are an assurance of an adequate job. People must have merchantable talents. We have a great many of our youth that have dropped out of school without finishing high school, and have little or no skills. And they find it difficult to get jobs. Those will continue to find problems. And I do think that in most instances, people with some talent and willingness to get out and work, I would hope that the overwhelming majority of them will be able to find a job.

Mr. CLAPPER. Senator TALMADGE, as a member of the taxwriting Finance Committee of the Senate, you perhaps can answer this complicated question. Won't the wage earners of the United States get kind of a rude shock next year at taxpaying time when they find that they owe extra taxes because this is a two-step tax reduction and they've gotten in this first year their full withholding reduction?

Senator TALMADGE. No, as a matter of fact, I don't think many of them will have much to pay. You see, what we have been doing, we have been withholding at the rate of 18 percent. That has been slightly in excess of what the rate would be on wage earners. And, therefore, most of them have been getting refunds at the end of the year, or when they file their next return. Now we reduced that 18-percent rate to 14 percent, and this will be slightly under what the true tax rate will be, so instead of getting a refund check, as most of them have in the past, most of them in the future will perhaps owe a nominal amount of tax.

Mr. CLAPPER. But you don't think it's going to be serious or be quite a shock to the American public?

Senator TALMADGE. I wouldn't think so. I think most taxpayers know they pay taxes. And I think most of them are pretty concerned about the rates. I know I am, and I would hope all Americans are, because if we can get more Americans concerned about the taxes, maybe we can do something about reducing some of our spending.

Miss CORRICK. Senator TALMADGE, in a little different area, Republicans are quite happy over the results of the gubernatorial election in Louisiana. Their candidate, although he lost, ran the strongest race of any Republican candidate in that State, and two Republicans were elected to State legislature. The Republicans claim this indicates a breakthrough for Republicans in the South. Do you see it that way?

Senator TALMADGE. Ann, if you have checked the records since 1932, there has been a growing Republican trend in all of the States of the South. Florida has gone Republican in the last three elections. Texas, two out of three. Tennessee in the last three elections. Virginia in the last three elections. Several other States. We have in Georgia several Republicans who are members of the general assembly, many of them who are local citizens. I think that trend will continue. We have virtually a two-party system now in most States in the South. But I do not believe that the Republican Party is sufficiently strong to constitute an immediate threat to control of the State governments and the legislatures of any of the Southern States.

Miss CORRICK. How about in the presidential level? Which Republican presidential possibility do you think would run the strongest in the South?

Senator TALMADGE. I think it's impossible to say at the present time. I don't think the Republican prospects in the South are as strong as they were prior to the unfortunate assassination of President Kennedy. Republican groups are badly divided on ideology and also personalities. I think most of the Southern States would go Democratic if the election were held today—perhaps all of them.

Miss CORRICK. You don't feel then, there's any question that President Johnson will carry the South?

Senator TALMADGE. That remains to be seen. I'm talking about now, not November. If the election were held today, I think he would carry probably all of the Southern States. And I think the polls of Mr. Gallup and Mr. Harris bear that out.

Miss CORRICK. How would the action on the civil rights affect President Johnson's campaign, if legislation somehow gets bogged down and is not enacted, or on the other hand, if it is enacted?

Senator TALMADGE. I think it's a little early to tell yet. In certain areas of the country I presume this program is popular or it wouldn't be offered. I doubt that the overwhelming majority of them that applaud it know what's in the bill. I think if they knew the content of the bill, they'd be alarmed that they were advocating a dictatorial, totalitarian form of government that would regulate their lives from the cradle to the grave. In other areas of the country the program is not at all popular. It's not popular in my State. And certainly the advocacy of this program is not doing the President any good in Georgia.

Mr. CLAPPER. Senator TALMADGE, on an entirely different subject briefly, former Vice President Nixon has characterized the Bobby Baker probe in the Senate as casting some doubts on the Senate itself. Can you comment on this?

Senator TALMADGE. Well, of course, I don't like the idea of a Senate employee doing something or being criticized for doing something, and then attribute it to the U.S. Senate. The Senate has hundreds and hundreds of employees. I imagine most of them are highly honorable men. But some of them probably at some time have done things of which I would not approve. But I do not think the action of a single employee ought to be utilized to condemn the entire Senate.

Miss CORRICK. Thank you, Senator. I'm sorry to have to interrupt, but our time has run out. Our guest on "Washington Viewpoint" this evening has been Democratic Senator HERMAN TALMADGE, of Georgia, member of the Senate Agriculture and Finance Committees. This is Ann Corrick with Pete Clapper in the Senate Radio-Television Gallery on Capitol Hill.

THE GOLD PROBLEM

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD an interesting article on the gold problem. It contains a speech made by Harry Scharlach of Watseka, Ill., and was published in the Watseka Republican of February 26, 1964.

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

GOLD AND THE AMERICAN DOLLAR

(This speech was made by Harry Scharlach, of Watseka, before the Sheldon Lions Club. Mr. Scharlach appeared at the request of Dr. C. L. Clark. The subject is a serious one and poses many questions as to the fiscal policy of the United States.)

Gold was one of the first metals to attract the attention of man. And, of course, it also attracts the attention of women. Gold has always been highly valued for its brilliance and beauty. It won't ever rust or tarnish. Nature has sprinkled it sparingly among the gravels of streams and tightly locked it inside of solid rock.

The earliest gold mining known was done in Egypt. In the days of King Solomon and King Tut ornaments of great variety and beauty were made from gold. Many of these golden objects are still in existence, just as perfect as when made several thousand years ago. In the revelations of St. John, chapter 3(18), appear these words: "I counsel thee to buy of me gold tried in the fire, that thou mayest be rich."

Gold is heavy. It is 19 times heavier than an equal volume of water. A 16-inch cube weighs a ton and is worth $1 million at $35 an ounce. A small standard gold brick is worth $24,000 and weighs 70 pounds.

Gold has always been the symbol of wealth in all the great civilizations of the world. Most of the gold taken from the earth in the past 10,000 years can still be accounted for in Government and bank vaults, in jewelry, in gold coins, by holdings of private hoarders, and in our teeth.

The reason such accurate gold records can be kept is because most gold goes through countinghouses and mints. No other possession has been so effectively guarded. Today research in gold suggests other uses such as in our space venture industries.

World production of gold since Columbus discovered the Americas, would amount to a gold cube of about 55 feet. The value of this much gold is around $70 billion. By way of comparison, all the gold mined since 1492 is only 20 percent of our present U.S. Federal Government debt.

Where do people find gold? Geologists say that only about one-half of this earth contains ore bodies. Gold ore is limited to certain widely scattered areas of the world. In the year 1963, 70 percent of free world gold production came from South Africa; 10 percent came from Canada; and 4 percent came from the United States.

The remainder came from Australia, the Philippines, Ghana in Africa, and other areas. The average gold recovery per ton of ore in Canada is $8. It is taken from solid rock from mine depths ranging to more than 5,000 feet. This Canadian ore averaged only one part of gold to 120,000 parts of rock.

Today more gold is being mined than ever before because of better finding methods, better ore mining and better gold recovery methods. Total free world output of gold in 1963 was 39 million ounces valued at $1,400 million.

Russia and the Communist bloc countries blanket their gold reserves and their gold output in secrecy. But latest estimates now indicate that Russia does not have as much gold as they have been pretending, either in reserves or in production. Communist block gold stocks are now believed to be as low as $4 billion, or only about 10 percent of free world gold on hand. And, Communist bloc annual gold production is now figured to be perhaps no more than $200 to $300 million.

Now that we have had a bit of history about gold, let us turn to the subject of "Gold and Our U.S. Dollars." A thousand and more different commodities and different schemes have been tried from time immemorial, for money uses. But gold alone is the only commodity that has been able to stand the test of time; to retain people's confidence from generation to generation and from century to century. Gold is the only truly universal international money today. The U.S. dollar is legal tender only to U.S. citizens. Gold is the legal tender to the foreigners who hold U.S. dollars. So the importance of gold should never be underestimated. Any nation that possesses gold, can get in and stay in the game of international trade. Any country that has ample gold reserves has the buying power to acquire needed items from other nations. Thus, in peacetime or in wartime, gold is essential. Gold is a vital defense fuel in wartime. Recent events have clearly indicated how important gold is to Russia. She has failed in her agricultural program, as she has in so many of her other plans.

So Russia has been selling gold in the hundreds of millions in recent months in order to buy food to refill her bare cupboards.

In the United States today, our Federal Government still possesses a large amount of gold. About $15½ billion worth. But, we have been losing our gold reserves rapidly since 1957. It has been a consistent one-way flow of gold—out.

Before explaining the causes of our flow of gold out of this country, I'd like to mention a few other items about gold.

London, England, has for many centuries been the gold marketing center of the world. Back in the year 1250 gold was selling on the London market at $4 an ounce, adjusted to U.S. dollars. For 450 years the price of gold was free to fluctuate and to bring whatever people thought gold was worth. It went up continually. In the days of Columbus gold brought $10 an ounce. By the year 1700 gold was up to $25 an ounce. Then the price was pegged at $22 an ounce through the adoption of a gold standard. That price was kept firm until World War I set in and the price of gold began to rise. After World War I England had too much money and credit issued against its gold reserves and the English pound failed. The price of gold was raised, the English pound was devalued.

Then the United States was going into the 1930's and the days of the great depression. Franklin D. Roosevelt was elected President. Someone sold him on the idea that if the price of gold was raised, the prices of goods would raise, salaries would raise, sales would increase, unemployment would be substantially reduced and prosperity would come back to the United States.

In 1934 the price of gold was raised from $20.67 an ounce to $35 an ounce. The U.S. dollar was devalued in terms of gold. But the depression didn't go away. Unemployment remained high. Prices did not rise. We were still in a depression when World War II came along and produced enough jobs and industrial activity to propel us forward in a war economy—a momentum that continued after World War II ended.

The price of gold has continued on that $35 peg since 1934 with the exception of a flurry on the London gold market during the Cuban crisis in 1960, when for a short time gold went up to $41 an ounce.

In 1934, concurrent with the increase in the price of gold, legislation was enacted making it illegal for a U.S. citizen to own gold. Citizens were required by law to turn in their gold coins and their gold certificate currency for new paper money. Since that date the U.S. dollar could not be redeemed for gold by a U.S. citizen. Coin collectors may now hold gold coins if they are dated prior to 1933. Today a U.S. double eagle ($20 gold piece) sells for about $50. In terms of a $20 gold coin of U.S. mintage, a present $20 U.S. currency bill is worth about 40 percent of its former value in terms of gold, or about $8.

The new gold standard set up in 1934 allows foreign dollar holders to exchange their U.S. dollars for U.S. Treasury gold at $35 an ounce. This is because our international monetary system is different from our domestic monetary system, in accordance with U.S. monetary laws. Today, some foreign nations buy gold from the U.S. Treasury at $35 an ounce, some with dollars our Government may have given them in foreign aid, they then mint the gold into their own national gold coins, not for circulation as money but for sale as a commodity. They receive anywhere from $50 to $70 an ounce for such gold transactions. A good bargain for them. I know of one foreign gold mine that sells most of its gold production to gold hoarders in the Orient at $70 an ounce.

Now let us turn our attention to the real issue about our gold and our U.S. dollars. The issue is, Why are we losing so much of our gold?

When Franklin D. Roosevelt became President, the United States had: $4 billion on gold reserves; $2 billion in gold was required as reserves in gold for our Federal Reserve currency notes and deposits; $500 million in gold was owed foreigners because of their U.S. dollar holdings.

We were in a deep depression but we were in no trouble over gold. We had $1½ billions in gold above all our gold requirements. But, when the price of gold was raised to $35 an ounce in 1934, several things happened to increase our gold supply. First, our gold reserves went up by the 70 percent gold price raise, the amount of increase from $20.67 to $35 an ounce. Second, because gold mining became more profitable, gold production also increased substantially. Third, a large flow of gold came in from other nations when the price was raised. This was because the price was good and also because Europe began, during that period, to buy goods from us in preparation for War II and during War II. A great deal of U.S. exports were paid for in gold. Our U.S. gold reserves increased every year for 15 years and finally peaked out in 1949 at almost $25 billion. From 1949 on we began to lose our gold. Not because we lost any of our trade or any of our strength, but because we commenced giving away too many of our U.S. dollars to foreigners. Billions of our dollars were given away on ill conceived and ill planned methods of trying to buy the defeat of communism. We simply began trying to buy with our U.S. dollars the support of any nation our Government thought would be our ally against Russia. Some of the nations we supported with our U.S. dollar gifts were themselves Communist countries. At first we did a great deal of good in helping Europe back on its feet in a war reconstruction job. Then, after they did get back on their feet, we continued to give them our dollars when they no longer needed them. And we are still giving away our dollars to them, far too many. When we began this dollar give-away program we were the greatest industrial power on earth. We still are the strongest nation on earth. We had to have great strength to be able to give away $108 billion in foreign aid and to spend another $684 billion on defense items in the past 18 years, and still be able to keep going.

(George Washington warned our infant Republic against making foreign alliances.)

But with all this spending, our foreign aid friends are not impressed, and our foreign enemies are not afraid of us. We are attacked in the Panama Canal Zone by Communists who then charge us with aggression. Even little Cuba is able to shut off our water with impunity. We have more chaos, more anarchy, more aggression, and more confusion in the world today than ever before. And this, after all the billions we have spent to bring peace to the world. Our massive and our reckless spending in this area has been a costly flop. We even gave Russia $11 billion worth of lend-lease aid and only a token was ever paid back. Now Russia is working on a scheme to get the U.S. Government to guarantee her the credit to buy food from us on a time payment plan. No private lending institution in the United States would be likely to loan money to such an unworthy customer. Some of the dollars we gave foreigners were used to buy things from us and this has helped to contribute to our immediate prosperity. But, billions of these dollars have been turned in to take away our gold reserves and $26 billion more are still stacked up against us, and our gold resources.

The drain on our official gold stocks since 1957 has been very heavy. Our gold reserves still amounted to $23 billion in 1957. Then, all the free world countries, other than the United States, had almost $15 billion in gold. Today we are down to about $15½ billion while our free world foreign aid friends have increased their own gold reserves to $26 billion. Of their gains in gold, $8 billion of it came from the U.S. Federal Government vaults.

We lost our gold to foreign nations simply because we gave them too many of our U.S. dollars free. In no year since we have been losing our gold have we exported less goods and produce than we have imported. Our actual balance of trade has always been in our favor. The entire deficit in what is commonly called our balance of payments, has been very simple because of all the free dollars we have sent abroad. These free dollars have given rise to the huge dollar claims by foreigners against our U.S. gold. There are items in the balance of payment, other than trade or foreign aid. There are foreign investments abroad, vacation travel abroad, etc., but in the final analysis the gold we are losing is because of the proportion of the total $108 billion we have given in foreign aid, that has not been spent back in the United States. This has left a huge balance of dollars stacked up in the hands of the foreign central banks and governments and which are now claims against our remaining gold. France, Germany, Spain, England, Italy, and other nations are among the beneficiaries of our dollar handout programs. Because of this situation we are continuing to lose our gold and even so, we are continuing to give away more dollars. This also has a great influence on our domestic interest rate structure. At this time we are required to keep interest rates high so that the foreign owned dollars will be left with institutions paying interest rather than to be turned into gold which draws no interest.

Today we have left in our U.S. gold reserves about $15½ billion in gold; $12 billion are needed as a 25-percent gold reserve for our Federal Reserve currency and deposit system; and $3½ billion of gold are left.

Obviously, $3½ billion are far short of the $26 billion of potential claims against our remaining gold. We are now in the position of a houseman in a high-stake poker game, who is so far behind that he doesn't dare let the game end. He couldn't pay off.

So why are we losing our gold?

Why does a man's bank balance decline? A bank balance goes down and into overdrafts because more checks are written than deposits made. The truth is that our Federal Government has overdrawn our gold resources by a wide margin. And that is where our gold losses begin and end. The problems are created by the excessive spending habits of our Federal Government. The matter of overdrafts against our gold has gotten out of hand. Meantime our Federal Government goes merrily on its way spending still more and inflating our currency system. Whenever we have a deficit in Federal Government spending at home, and that has been happening every year, we inflate our currency and bank deposit system. These have gone up by $86 billion since 1957.

The gold back of each U.S. dollar in currency and bank deposits is now down to less than 5 cents. If we subtract foreign dollar claims now against our remaining gold then we have no gold left to back our monetary system. Whenever we have a deficit in our foreign financial transactions, the balance of payments, then the claims against our gold goes still higher. Last year, in 1963, this deficit was $3 billion. Taking both of these deficits together, the foreign and our domestic deficits, our Federal Government is putting too great a squeeze on our gold and that is why we are losing our gold.

Who in Government is responsible for this state of affairs? It isn't simply the Democrats or the Republicans. It is the entire system of bureaucracy that may have prop-

erly started back in 1932 but has never stopped growing. We do have in Government today, many sound-thinking Democrats and Republicans who are trying hard to correct excessive spending in Government. These people do not wear high-buttoned shoes. And you do not need to put on high-buttoned shoes to support them. In general, however, our administrations and our Congress since World War II have been guilty of failure to stop excessive spending.

WASTE IN FOREIGN AID PROJECTS

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an article which appeared in Sunday's Washington Post, headlined "$8.5 Million Aid Wasted, GAO Says."

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

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

$8.5 MILLION AID WASTED, GAO SAYS

U.S. aid administrators were accused yesterday of wasting $8.5 million on projects in Turkey and Iran and misleading Congress about their progress.

The charge was made by the General Accounting Office, which checks on Federal spending for Congress, in a report to the House and Senate.

It said the funds were used to build highways and railways that were not needed and wound up going nowhere. In seeking the money from Congress, the report added, the administration presented incomplete and inaccurate information and withheld other facts that should have been presented.

The Agency for International Development (AID) disagreed with the findings and blamed them on "a fundamental difference" between it and the GAO over the nature of the projects.

The report covers four rail and highway projects carried out under the economic development program for Central Treaty Organization nations between 1957 and 1962. Such projects are supposed to aid two or more CENTO countries and advance regional economic development, not aid individual nations.

The economic need for the projects said the GAO, was so dubious they were considerably cut back. Only one—a Turkey-Iran highway—has the regional characteristics required for such projects, it added.

Mr. MORSE. Mr. President, the article bears out charges of the continuation of the shocking waste of the whole aid program. The article reads in part:

United States aid administrators were accused yesterday of wasting $8.5 million on projects in Turkey and Iran and misleading Congress about their progress * * *

The article reads further:

The funds were used to build highways and railways that were not needed and wound up going nowhere. In seeking the money from Congress, the report added, the Administration presented incomplete and inaccurate information and withheld other facts that should have been presented.

I plead with my colleagues in the Senate that, before the new debate on the foreign aid program starts in this session of Congress, they read the reports of the Comptroller General's Office, for one report after another repeats and proves this shocking waste of the taxpayers' dollars. The taxpayers are entitled to better protection from the Congress than they have been getting in the foreign aid program.

SECRETARY OF DEFENSE McNAMARA AND SOUTH VIETNAM

Mr. MORSE. Next, Mr. President, I ask unanimous consent to have inserted in the RECORD a series of newspaper articles setting forth statements by the Secretary of Defense in regard to promises vis-a-vis South Vietnam

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

[From the Washington Post, Mar. 10, 1964]

VIETNAMESE LOOKING FOR MCNAMARA MAGIC

SAIGON, March 9.—U.S. Defense Secretary Robert S. McNamara, now on a tour of trouble spots in this war-torn country, appears to have inherited the late President Kennedy's image as the guardian of the South Vietnamese people.

Many Vietnamese look upon McNamara as virtually the savior of the country and seem to expect him to produce a magic formula for driving out the Communist Vietcong guerrillas.

This was revealed today in an informal survey of several parts of Saigon, including the poorer areas.

Many peoples, apparently as the result of Government propaganda, believe McNamara is going to give the green light for South Vietnamese forces to march across the border and invade Communist North Vietnam.

A Vietnamese-speaking newsman found many people, particularly refugees from the Communist North, strongly in favor of this idea.

The Government has publicly promoted the idea of "marching north" and students who greeted McNamara yesterday carried Government-printed banners advocating this policy.

But a large student demonstration scheduled for this morning, reportedly to ask McNamara for support in marching north, was called off. There was no immediate explanation.

During last year's Buddhist crisis, the people looked to Mr. Kennedy to bring down the regime of President Ngo Dinh Diem. When Diem was finally toppled in November the credit was given largely to Mr. Kennedy.

One man interviewed today said: "Kennedy helped us last year. Now the United States will help us again, won't it? What is McNamara going to say?"

Some American officials are concerned about this popular expectation that McNamara is going to make a dramatic announcement producing a solution to the war situation.

They point out that final decisions must come from Washington after McNamara returns with his recommendations.

[From the Washington Post, Mar. 10, 1964]

MCNAMARA VOWED UNLIMITED U.S. AID, VIET OFFICIAL SAYS

(By Nicholas Turner)

SAIGON, March 9.—U.S. Defense Secretary Robert S. McNamara has made it clear that American aid to South Vietnam "will from now on be total, unlimited, and without conditions," a South Vietnamese spokesman asserted today.

The spokesman said this came out of McNamara's initial talks with South Vietnamese leaders yesterday and that it meant no set limit would be placed on U.S. aid to South Vietnam.

Assistant Defense Secretary Arthur Sylvester, McNamara's spokesman, said later that he did not hear the Defense Secretary use the expression attributed to him, but it was considered by informed observers that the statements were not contrary to what McNamara said yesterday.

The Vietnamese spokesman, Col. Tran Ngoc Huyen, also said American leaders would not make "soothing statements, such as predicting the end of the war at a definite date."

McNamara and the Premier, Maj. Gen. Nguyen Khanh, visited three villages in the wartorn Mekong River Delta today and were cheered by thousands of South Vietnamese.

Other members of his party included Gen. Maxwell Taylor, Chairman of the U.S. Joint Chiefs of Staff.

At least 10,000 persons swarmed in the main street of one village, Hoa Hao, as McNamara and Khanh walked down it, shaking hands with persons in the crowd.

At the city of Can, McNamara and Khanh gave donations of 500,000 piasters (about $7,000) each toward the rebuilding of several hundred houses burned down last week.

The enthusiasm of Hoa Hao's welcome swept security arrangements aside. Anyone could have slipped a hand grenade into McNamara's pocket with ease.

However, McNamara's tour was marred when two of the four crewmen aboard a U.S. helicopter accompanying his helicopter flight through the Mekong Delta were killed when their helicopter crashed into a river.

The dead were two gunners. The pilot and the copilot were rescued. The crash was blamed on a mechanical failure.

At each of McNamara's three stops, he emphasized that U.S. support for the South Vietnamese war against the Communist Vietcong guerrillas would continue to whatever degree was necessary.

He also repeatedly stressed U.S. support for General Khanh and told crowds that Khanh needed the support of the people.

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

MCNAMARA NEWS CONFERENCE EXCERPTS

I have two brief announcements to make.

First, I have issued instructions today to reduce the B–70 program from three aircraft to two. This action is concurred in by the Secretary of the Air Force and by the Chief of the Air Staff. It is a result of a very comprehensive review of the project we have just completed and it reflects our concern over the continued delays in the program. These delays have been brought about by severe technical difficulties.

At the time the three-aircraft program was formulated and approved, the first flight was scheduled for December 1962. The program is already some 18 months behind that schedule and the first aircraft has not yet been completely assembled. To date, some $1.5 billion have been allocated to the project, with the prospect that more would be required were we to attempt to complete it with three airplanes.

Now, secondly, Gen. Maxwell D. Taylor and I, and other members of our party, will leave tonight at midnight for South Vietnam. The purpose of our trip is to discuss with Ambassador Henry Cabot Lodge and Gen. Paul D. Harkins and with Gen. Nguyen Khanh and members of his Government the effectiveness of U.S. training and logistical support for the South Vietnamese in their resistance to the Communist-dominated Vietcong.

Our trip is a further affirmation of the U.S. commitment to furnish whatever economic aid, and whatever military training and logistical support is needed by the South Vietnamese to suppress this insurgency and to continue to furnish that support for whatever period it is required.

MILITARY ISSUE RAISED

Question. Mr. Secretary, do you believe there can be a military solution to the problem in South Vietnam within the present rules?

Secretary MCNAMARA. I think the problem in South Vietnam is very clearly a political-economic-military problem. It is a problem that requires the support of the people,

if it is to be solved. General Khanh, the Premier of South Vietnam, has in his first 30 days in office done much to build the support of the people.

He is clearly sensitive to the need for increasing their economic welfare, as well as for providing physical security for them. So I think he is aware as we are of the interrelationship among the political, economic and military facets of the problem.

Question. Mr. Secretary, there has been some controversy in the past over your appraisal of how we were doing in South Vietnam? Would you like to try again? How are we doing?

Answer. I have said that the situation was serious there on a number of occasions.

OCCASIONS RECALLED

In October, upon our return from the September trip, and in December, upon my return from NATO via South Vietnam, and in January. You probably recall those. In October, I said, "the political situation in South Vietnam remains deeply serious."

In December, I stated, "we observe the results of the very substantial increase in the Vietcong activity, an increase that began shortly after the new government was formed on November 2, and it has extended over a period of several weeks."

And then in January, in my statement to the Congress, I stated "the situation there continues very grave" and I went on to discuss why. Then on the day after that I elaborated further on it and stated that the situation was very grave, but that within the previous 2 weeks there had been progress, and we were encouraged by that progress.

I wouldn't change my appraisal, I think, of these past 4 months. During that 4-months period, the country has had three governments, each of the new governments has changed Cabinet members, each of the new governments has changed provisional governors and each of the new governments has made changes in the senior military leadership.

The Vietcong have sought to take advantage of the resulting period of confusion. They have substantially increased their rate of incidents, their terror attacks, their harassments, and their military attacks upon the Vietnamese.

That level of attack is higher today than it was 6 months ago. It is lower today than it was at some times within the past few weeks and it is lower today than it was in November and December. What the future holds, I can't say.

Question. Mr. Secretary, a two-part question on Vietnam, sir. First, can you tell us whether you still think it is feasible and advisable, as you have said in the past, to withdraw most of our military aid mission by the end of 1965; and, second, what criteria will you be using in your trip to determine just how we stand there?

Answer. Well, first, as to our training and logistical support and the possibility of withdrawing personnel. As you know, we withdrew a thousand men in December of last year. These men included, for example, two military police units, U.S. Military Police units, which had been guarding certain installations in South Vietnam. During the period that they were assigned there, South Vietnamese troops were trained to take over those functions.

NO REASON FOR STAYING

We saw no reason, and the Government of South Vietnam saw no reason, why our military police units should remain in South Vietnam to do a job that the South Vietnamese had been trained to perform and were entirely competent to perform and, therefore, we withdrew them.

That is the standard that we are applying in determining when to withdraw U.S. military personnel from South Vietnam. I think I made very clear in my introductory statement that we shall furnish whatever military training and logistical support the South Vietnamese require to effectively counter the insurgency campaign, and we shall continue to furnish that support for as long as it is required. But I think that you should expect us, I think the American people should expect us, to conclude a training mission after a reasonable length of time.

Question. In connection with Vietnam, Mr. Secretary, would the withdrawal or removal of American dependents in South Vietnam add to the effectiveness of our effort there and will you consider that on this trip?

Answer. This is one of the questions I will look into while I am out there. The number of military personnel with dependents in South Vietnam is very small. I have forgotten the exact number. The total number of military dependents is something on the order of 700.

Question. Mr. Secretary, what standards will you use in Vietnam to judge the success or failure?

Answer. Well, I think the level and growth of the economy, for example, is one. And this, by the way, affords an interesting comparison with North Vietnam. I have said the situation in South Vietnam is serious. It is. It is grave. But we should not fail to overlook the accomplishments in that country of the past 10 years, and the rate of growth of the economy is one, and particularly it is impressive when one compares that with the situation in North Vietnam, which is facing very serious economic problems.

I will obviously be interested in the action that General Khahn has taken to broaden his Government. From what we hear here, he has taken many steps indeed to making it a more representative Government than was true in either of the two previous governments.

Obviously, our major attention, particularly General Taylor's and mine, will be devoted to the military plans. General Khahn has laid down some very ambitious plans. He has indicated he wishes to aggressively expand the military operations in the field, particularly night operations, increase the number of days per month that military units campaign in the field.

ASSISTANCE-LEVEL STUDY

Question. Mr. Secretary, you said one of the purposes of your trip is to review the level of assistance by the North Vietnamese to the Vietcong. Are you suggesting there that your findings in that regard might significantly influence our policy in Vietnam?

Answer. I don't wish to suggest any conclusion I'll draw. I simply want to get at the facts. There has been evidence that in the last 6 months the North Vietnamese support of the Vietcong has increased.

We have seen, for example, through the capture of Vietcong weapons the introduction of larger bore weapons than had been seen previously, .75 mm recoilless rifles for example, obviously of Communist Chinese manufacture; heavy-duty machineguns, obviously of Chinese Communist manufacture; more sophisticated mines, particularly water mines, more sophisticated sabotage devices, with advanced timing mechanisms, obviously of Chinese Communist manufacture.

So the volume of support, the character of support, the trend of support, from the North Vietnamese of the South Vietnamese efforts are all items that we will be examining.

Mr. MORSE. Mr. President, I do not know when the Secretary of Defense was invested with authority to take over American foreign policy, but the statements and promises which are being made in regard to South Vietnam have no justification, and he should be held to an accounting, because millions of Americans are beginning to recognize that it is time for us to get out of South Vietnam and stop the shocking waste of American blood and American money in that country.

I shall have more to say about this subject before the week is over, because, I repeat, the administration should be brought to an accounting for the shocking waste of American blood and American money in South Vietnam.

HAWAII'S TRADE ROLE

Mr. MORSE. Mr. President, I ask unanimous consent that an article entitled "Hawaii's Trade Role," from the Honolulu Advertiser, be printed in the CONGRESSIONAL RECORD. I commend Dr. Joseph E. McLean for bringing about the conference referred to in the article.

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

HAWAII'S TRADE ROLE

Earlier this month a small group of men from Japan, the Philippines, Taiwan, India, Pakistan, Australia, Malaya, and the United States met in Honolulu for 5 days.

They were attending a conference "on economic cooperation for development and trade in the Pacific" sponsored by the State of Hawaii and the East-West Center.

Their papers were technical, for these are technical men. But the significance of such a conference, and in Hawaii, was evident.

Governor Burns, at a luncheon meeting at which Under Secretary of State Hilsman spoke, said, "This must go down as one of the most important days in Hawaii's future as the crossroads of the Pacific."

And President Hamilton of the University of Hawaii said the conference drew upon "the resources of State, scholar, and scientist," plus the experiences of practitioners.

Many papers were presented, including those of Indonesian and New Zealand representatives who at the last minute were unable to attend, and these were followed by discussions.

Typical subjects were the prospects of promoting an expansion of manufactured and agricultural exports; regional cooperation to stimulate industrialization in the less developed countries; the problem of stabilizing prices of primary commodities; the form which foreign aid and technical assistance should take; the effects of economic growth upon a country's balance of payments.

These are not the kind of problems that are solved at one conference or a dozen. But a session such as that held here contributes to eventual solutions. As Dr. Joseph E. McLean, the East-West Center's conference director, puts it:

"Conferences may open the door to new techniques, to new knowledge, to new understanding, or even to administrative or policy action.

"All this has been especially true of our Conference on Pacific Trade and Development. It seems to me that the scholars participating * * * have taken a long step forward in developing a freer exchange of ideas.

"The discussions have been lively and uninhibited. To the extent that the scholars succeed in their endeavors, we shall thereby reduce the burdens upon future statesmen and soldiers * * *.

"Building an economic community in the Pacific is one way of reducing international tensions in the years ahead. This, of course,

was one of the reasons why Governor Burns and the Center were interested in this conference from the beginning."

Under Secretary Hilsman, whose responsibility is the area of Far Eastern affairs, said on his arrival from a visit to Australia, New Zealand, and Fiji that he was struck by Hawaii's role in the economics of the Pacific, and that it was fitting that the conference should be held here.

Hilsman's observations came only 2 months after Secretary of Commerce Hodges called these islands "the gateway to the Pacific marketplace."

Hodges saw Hawaii as "the natural headquarters for many managerial functions of firms exporting to the Pacific market. As a forward base, as an advanced distribution and sales center, you are without equal."

Governor Burns, who is dedicated to moving Hawaii ahead in the field of trade relations, was described by Dr. McLean as the prime mover in bringing about the recent conference.

The Governor, Mr. McLean, and Prof. P. T. Ellsworth, visiting professor of economics at the University of Hawaii, who was chairman of the conference, are to be commended for promoting this latest interchange of Pacific area knowledge and experience.

TELEGRAM FROM T. GABRIEL DUQUE, OF PANAMA

Mr. MORSE. Mr. President, I ask unanimous consent that a telegram I have received from T. Gabriel Duque, ex-President of Panama, be printed in the CONGRESSIONAL RECORD. I appreciate having the views of ex-President Duque, who now is publisher of La Estrella de Panama and the Star and Herald.

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

JANUARY 19, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

It is with the utmost sincerity that I express to you my heartfelt gratitude as a Panamanian for the clear, precise, courageous statements you made in the Senate of the United States when you referred to the crisis which has arisen with my country. Your intelligent and lofty position shows there are North Americans capable of understanding reality, of denouncing unhesitatingly the blunders and mistakes of the Government of the United States, and of suggesting timely and effective measures for the effective correction of the errors which have been committed. I pray that your ideas will prevail, pointing the right way to your Government in order that justice may be done to Panama, which has suffered from misunderstanding for over half a century, in order that the United States may recover its prestige so severely damaged by the events of which my country has been the victim.

Cordially,

T. GABRIEL DUQUE,
Ex-President of Panama and Publisher of La Estrella de Panama and the Star and Herald.

THE PANAMA CRISIS

Mr. MORSE. Mr. President, I ask unanimous consent that there be inserted in the CONGRESSIONAL RECORD a column by Inez Robb on the Panama crisis. It, too, shows the shortcomings of the past U.S. foreign policy toward Panama. I agree with Miss Robb's major observations and congratulate her.

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

USE THE STICK

(By Inez Robb)

If there is a time and place in which the United States is always advised to walk softly and carry a big stick, it is Panama.

In that small, sensitive country, we are the builders, operators, and the owners of one of the Seven Wonders of the modern world.

This country cannot give up the Panama Canal or surrender control of such an indispensable link in our own defense and that of our allies. So it is little short of treason for chauvinist Americans of any age needlessly to endanger the American position in Panama and seriously embarrass the Government in its day-to-day operation of the canal and its day-to-day relationships with the Panamanian Government and people.

So if I were wielding the big stick at the moment, I would walk softly in the Canal Zone and apply it vigorously to the American teenagers and the adults who encouraged them in sparking the riots in Panama in which at least 24 persons, including three American soldiers, were killed. That alone is a terrible price—24 lives—for an arrogant prank that everyone involved well knew could bring trouble.

By defying the gentlemen's agreement between the United States and Panama that the American and Panamanian flags shall fly side by side in the Canal Zone, American high school students, backed by adults, have not only the deaths of 24 persons on their conscience, but have also:

1. Made the U.S. position in Panama much more difficult.

2. Inexcusably and intolerably given the Communists, particularly the Castroite brand, a club with which to beat us, especially throughout Latin America where we are—for our own salvation—doing our utmost to combat Marxism.

3. Seriously embarrassed the Government and the President, not only in our relations with Panama but with all of South America.

4. Given the Panamanians an American-made opportunity to demand a drastic revision of the 60-year-old treaty under which this country holds the Canal Zone in perpetuity.

Many Panamanians in the past decade have been spoiling for trouble, for any excuse to attack the American position. No one knows the touchy position better than Americans who live in the Canal Zone.

Since World War II we have lived in an increasingly angry and touchy world in which mounting national pride has been a prime factor in international relations. There is no defense of Panamanians looking for any excuse for a fight; but there is less excuse for Americans gratuitously presenting Panamanians with a readymade pretext.

By no stretch of imagination can that student flag raising in the zone be construed as an act of patriotism when it was done in defiance of U.S. Government regulations.

It was distressing to hear, via radio, some of the students responsible for the deed boasting of what they had done and of the adult encouragement they had received, when more than a score lay dead and Communists around the world were turning the tragedy into a field day.

Surely, the U.S. Government will find it expedient quietly to weed out the troublemakers and the adults who encouraged them and ship all back to the United States. At least, they would no longer be in a position to cause an international incident by deliberately tossing a match into a tinderbox.

Our jingoists will say that the United States can crush Panama in 24 hours, and that is doubtless a generous estimate of time. But that is not the way this Nation does business, nor is it the way of the 20th century among civilized peoples.

The United States must continue to own, operate, and protect the canal not as a dictator or bully, but as a firm, friendly, and decent neighbor.

Mr. MORSE. Mr. President, I ask unanimous consent that a sound and penetrating column by Eliot Janeway on the Panama crisis be printed in the CONGRESSIONAL RECORD.

The column is effective testimony in support of the need for a thorough overhauling of our Panama foreign policy. I congratulate Mr. Janeway.

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

So now we have a Suez of our own—right in our own backyard.

It was 7 years ago that the Suez crisis erupted over Nasser's demand to take over the Anglo-French canal. This was certainly a distant early warning to us in this hemisphere, long before the rise of Castroism. But it seems to have fallen on deaf ears.

Typically, the American reaction to Suez was: "It can't happen here." When England and France went to war against Egypt, President Eisenhower made his displeasure clear and effective enough to back them off and leave the canal in Egypt's hands.

Now we find ourselves hoist with our own petard. Panamanians want to clip the Eagle's wings just as Egyptians wanted to pull the Lion's tail. They can cite not only Eisenhower's stand against the European canal owner. They can also point to the recommendation Harry Truman made at the time to mediate the dispute by the device of internationalization (though, of course, it is nationalism, not internationalism, which is powering Panama's demands).

Even though we find ourselves the heirs to the embarrassing position of the Suez Canal owners, surprised and policyless despite 7 years of warning, we have a great deal more strength to bring to the bargaining table than did the British and the French. It is economic strength, and not of the old-fashioned imperialist variety. In fact, it is particularly timely to bring it under scrutiny now because it relates to the well-known controversy over tax loopholes, which is at the top of the senatorial agenda this year.

For there's no tax loophole bigger than the loophole known as the Panamanian Corporation which, of course, enjoys exemption from U.S. Federal taxes. There are at least two ways in which this loophole becomes a cornucopia for the economy of Panama for those Panamanians who are on the receiving end of the Yankee dollar.

The first relates to the sore subject of the merchant marine. We have, in fact, subsidized Panama into business at the expense of our own oceangoing commerce, our own port-serving industries, our own dying shipbuilding industry, and all the trades and jobs which formerly served them. The Panamanian-flag ship is one of the main reasons for the depression in U.S. shipping and shipbuilding which has reached crisis proportions. The demonstration of our inability to compete in the grain-carrying trade has just shown this to be the case.

The second endowment this tax loophole of the Panamanian Corporation gives Panama and Yankee dollar-owning Panamanian is a byproduct of the abuses and failures of U.S. Foreign Aid Administration.

The sticky fingers of oldtime political corruptionists clutch at our aid cash all through America and, for that matter, Africa too. Not all of what they manage to grab winds up in numbered Swiss bank accounts. Our benevolence toward Panama has set these

phony, nonfunctional Panamanian corporations up as "Little Swiss" cashboxes for careerists on route to power and dictators in flight from it.

Whatever the Panamanian settlement may be, our aim is to see it settled permanently, peacefully, and with dignity and respect for due process on both sides of the bargaining table. In terms of political pride and hard cash, we have the ability to negotiate toward this objective by taking a new hard look—a look from a viewpoint that is progressively and practically international—at the Panamanian Corporation loophole.

ARE WE CONTINUING TO BE "SUCKERS" FOR SUKARNO?

Mr. GRUENING. Mr. President, I have received an indignant letter from one of my constituents whose views I completely share. She enclosed a column entitled "Procurers for Sukarno" written by two well-known and respected American journalists, Robert S. Allen and Paul Scott.

I think it is clearly up to the administration to repudiate the actions which are ascribed in this column to officials of the State Department, and I hope that President Johnson will speak out in no uncertain terms on this matter, and put an end to the folly of continuing our military and economic aid to that troublesome and irresponsible dictator.

I ask unanimous consent that the letter of Mrs. G. E. Woodall, of Spenard, Alaska, together with the column from the Anchorage Times entitled "Procurers for Sukarno," by Robert S. Allen and Paul Scott, be printed at this point in my remarks.

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

ANCHORAGE, ALASKA,
February 26, 1964.

Senator GRUENING,
Juneau, Alaska.

DEAR SIR: Periodically we receive letters from you, thank you.

The enclosed editorial has made my blood boil. What is our Nation coming to that the State Department is busy acquiring call girls for an immoral man while our boys are dying in Vietnam? If Sukarno must have his women let him get his own. What kind of men are representing our Government in Washington, D.C.? It is about time somebody with some backbone spoke up and did something.

We cannot expect the blessing of God upon a nation which disregards all the decent things we have stood for.

Sincerely,

Mrs. G. E. WOODALL.

PROCURERS FOR SUKARNO

(By Robert S. Allen and Paul Scott)

WASHINGTON.—With the State Department it is apparently a case of what President Sukarno wants, Sukarno gets—be it wine, women, or big handouts of foreign aid.

On foreign aid—the Department is urging President Johnson to continue dishing it out despite the strutting, Soviet-leaning Indonesian ruler's constant threats of war against newly independent Malaysia. Last year he got $140.9 million. His overall U.S. aid total to date is around $900 million.

On wine, women, and whoopee—a congressional investigating committee is poring over some astounding State Department documents revealing that arrangements were made to supply Sukarno with what amounted to a harem of call girls during his junkets to the United States in 1956, 1960, and 1961.

One of these State Department reports discloses that the Indonesian Embassy in Washington went to the extent of bluntly letting it be known that the "success of Sukarno's mission would depend on the availability of women."

Also, that in advance of one visit, Sukarno sent word he would like to have a "Latin-type, an American-type, and a Nordic-type woman" to accompany him on his tour of the United States. The State Department document indicates these exotic demands were fully and satisfactorily met.

Attorney General Robert Kennedy, who recently conferred with Sukarno in the Far East, is supporting the State Department's backstage recommendation that he be given more aid. Kennedy favors that on condition the Indonesian keeps the peace with Malaysia.

This decision is squarely up to President Johnson.

Under a provision written into the foreign aid budget last year, the President is required to personally certify to Congress that continued aid to Indonesia is in this country's national interest.

That's one reason the investigating committee is intently studying the State Department's startling documents, and closely watching what the President does.

The amazing State Department report shows clearly that officials not only assisted in meeting Sukarno's demand for "call girls," but condoned his flouting of the Mann Act in taking them across State lines.

The story is as shocking as it is lurid. Following are publishable highlights of the State Department's sorry role in the sordid affair:

"In * * * Sukarno paid a state visit to the United States. At that time, he was hesitating between the United States and the Soviet Union, and was playing the part of a so-called neutral which, in effect, indicated he favored the Soviet position. The United States at this time was going all out to impress Sukarno.

"A representative of the Indonesian Embassy approached the State Department regarding having women available for Sukarno. Sukarno wanted a Latin-type, an American-type and a Nordic-type woman available when he felt so inclined. State Department officials told * * * that they could not have anything to do with the obtaining of these women officially, but suggested * * * a former FBI agent then engaged in private investigation business in Washington.

"X agreed to obtain the women for Sukarno. He contacted an inspector of the New York Police Department and wanted to arrange for himself and the girls to stay at the * * * hotel in rooms not too distant from Sukarno and his party. The inspector refused to involve the New York Police Department despite assurances that the State Department approved.

"X and the prostitutes subsequently stayed at a hotel near where Sukarno and his party were staying. X used a fictitious name at the * * * hotel, where he received calls from one of Sukarno's secretaries to send one of the girls over to the hotel where Sukarno was staying and she would be secretly passed into one of the rooms.

"The Sukarno party traveled across the United States stopping at various cities, such as Detroit, Los Angeles, San Francisco, etc., and X followed staying close by with the girls.

"X was hired by the Indonesian Embassy in Washington through a second party, X did not register as a foreign agent and in transferring females across State lines, he violated the Mann Act which forbids transferring women across State lines for immoral purposes. He violated this statute numerous times from New York to California.

"A representative of the Indonesian Embassy told State Department officials that success of Sukarno's mission would depend on the availability of women."

The futility of the State Department's tawdry efforts to "accommodate" the Indonesian playboy ruler is clearly shown by the recent test launching by his air force of powerful Soviet antiaircraft missiles of the type that downed the U–2 reconnaissance plane during the Eisenhower administration.

These experiments were witnessed by a group of Russian military advisers. The missiles were fired as part of a so-called national alertness program in Sukarno's war-threatening machinations against Malaysia.

In an unpublicized speech, Indonesian Air Commander Rusmin Nurdjadi stated the SA–2 missiles have also been supplied to Cuba and Red China. He attributed this information to the Soviet military advisers in Indonesia.

NEW TAX TWIST

Mr. WILLIAMS of Delaware. Mr. President, in today's Washington Post appears an excellent article entitled "New Tax Twist May Cost You by End of Year," written by Edward S. Cohen, in which he calls to the attention of the taxpayers the fact that before this year is over they are going to get a bill from the Federal Government for additional taxes under the President's so-called tax reduction.

Under the bill many taxpayers who think they are to get a substantial tax reduction will find themselves with a tax bill for an additional amount of taxes.

This particular case cites taxpayer A, who, under 1963, rates would receive a refund of $82.08; whereas, under the bill, he would be paying $59.

Mr. President, I ask unanimous consent to have this article printed in the RECORD. It gives timely warning to the taxpayers as to how they will be "skinned" under the bill.

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

NEW TAX TWIST MAY COST YOU BY END OF YEAR

(By Edward S. Cohen)

A peculiar twist to the 1964 Revenue Act will leave some taxpayers with an unpleasant tax liability at yearend.

Tax Collector Mortimer Caplin will step forward and advise these people they owe money to Internal Revenue they never dreamed about.

Here is the way the law works:

Because of the reduction in personal tax liability for 1964 and thereafter, the rate of withholding on wages has been lowered from 18 to 14 percent. At the same time, individual tax rates are being cut in two steps to a 14- to 70-percent schedule in 1965. But this year the personal rate is 16 to 77 percent.

NEW RATES NOT IN EFFECT

Thus, since the 1964 withholding rate is based on lower rates which are not in effect until 1965, there may be too much left in some employees' pocketbooks this year. Those who fall into this category will have a larger tax due at year's end instead of an expected refund.

For example, taxpayer A earns $12,000 a year, with payments semimonthly. He is married with two children. Because of past experience he has cut his withholding exemptions to two rather than owe taxes at the end of the year.

For 1963, at the 18 percent withholding rate, he had $1,918 withheld in contrast to an actual liability of $1,836, based on the 10-percent standard deduction, and four $600 personal exemptions. At the end of 1963, he was due a refund of $82.08.

HOW TO AVOID LIABILITY

Contrast A's 1963 position with 1964. With identical income and deductions his income and withholding tax will be computed this way:

Withholding for the first four pay periods (since he is paid semimonthly) was at the 18-percent rate, and for the remaining portion of the year, at 14 percent. For the full year, withholding will be $1,562 with actual tax (at 1964 rates) of $1,621, leaving A with a debt to Internal Revenue of about $59.

TRADING WITH THE COMMUNISTS

Mr. DOMINICK. Mr. President, many Senators on both sides of the aisle have said publicly that the administration's position in regard to trade with the Communist bloc on an ever-increasing scale is the death knell of our efforts to create economic pressure on Cuba and China, and may well be the forerunner of the administration itself giving up the struggle with the Communist world conspiracy.

Time and again we have pointed out that the Communist governments are not representative of their peoples, that the people are our friends and that the governments are our enemies.

Time and again we have pointed out that there are solutions to the struggle short of nuclear war, and that we have the basic resources to win the struggle, but that we are not using such resources, that in fact we weaken ourselves when we trade and treat, negotiate with, and accommodate Communist governments.

Recently, Dr. Walter Becher, Secretary-General of the Sudeten German Council, forwarded to me an outstanding address on this subject delivered by Freiherr von und zu Guttenberg, a prominent member of the Foreign Relations Committee of the Bundestag in Germany. This address is entitled "A False Conclusion Drawn by the West." It refers to a number of the points to which I have referred, and I ask unanimous consent that it may be printed in the RECORD.

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

A FALSE CONCLUSION DRAWN BY THE WEST

(By Freiherr von und zu Guttenberg)

Since Churchill with his expression "cold war" gave the world a hitherto unsurpassed definition of the conflict between East and West, assertions have been made repeatedly and periodically to the effect that the cold war was already ended, or would be ended in the near future. Most of these illusions were and are the results of the coexistence propaganda of the West, which become apparent above all when the waves of the cold war become a little calmer from time to time.

Strange to say, those who regard the Communist ideology as the root of Soviet policy and thus as the actual root of the evil of the cold war, are very often accused of being ideologists who are blind to reality. And it is then pointed out in this connection that anticommunism, and not communism, is the disease of our times. By means of this conjuring trick the defense put up against an ideology that is hostile to freedom is branded as an ideology.

Actually, the cold war has not resulted from the clash of two ideologies. There is no Western, no freedom-loving ideology. On the contrary, the realm of freedom can be defined by the negative formula that freedom and ideology preclude each other. The cold war is therefore nothing but the result of the constantly reiterated claim of an ideology to rule over those who have already been subjugated as well as over all those who are still to be subjugated.

True, no one will deny that certain privileges were introduced in some of the satellite countries gradually and at various times after Stalin's death. But they do not alter the fundamental fact that this half of Europe is still obliged to live and to suffer under foreign colonial rule and ideological coercion. And for this reason we are obliged to ask ourselves, when considering the attitude of the West toward these unfortunate peoples—the Poles, Czechs, Hungarians, Bulgarians, etc., whether a certain amount of hypocrisy has not begun to manifest itself amongst us.

To my way of thinking, at least, it seems that habit, resignation and very often brutal egoism are concealed behind the fashionable slogans of "contacts," "appeasement policy," "tearing down of the Iron Curtain," or "realism." For there is one fact which certainly cannot be denied: however clever all the plans to take advantage of the tension between the Eastern capitals and of other phenomena of the so-called thaw may appear to be, there is a far closer link between the governments in Warsaw, Prague, and Budapest—namely, the preservation of their own existence—and the central government in Moscow than would ever be possible between these governments and the West.

The natural allies of the West in this sphere of influence are the subjugated peoples and not the governments which Moscow has imposed on these peoples. And for this reason I believe that a Western policy of cooperation with these governments would be bound to lead to negative results. In the first place, such a policy would mean that the West would lose valuable friends, for the East European peoples have set their hopes of regaining their freedom once more not on the Kadars, Novotnys, and Gomulkas but on the West. And secondly, Mr. Khrushchev's plans are being furthered most effectively by the fact that his European colonial empire is no longer contested by the West, for events in the years 1953 and 1956 have shown that Soviet Russia's European conquests are also her vulnerable spot, inasmuch as the subjugated peoples have not renounced or abandoned their will to freedom.

Indeed, one might well gain the impression that those circles have at present gained the upper hand in the West who set greater hopes on a stable order in Eastern Europe under Soviet domination than on the preservation of the present state of instability. In other words, the theory seems to prevail nowadays that one should set one's hopes on evolutionary developments in Eastern Europe and could further this process most by better relations between the West and the satellite governments.

I regard this train of thought as a false conclusion. For every Western policy of tacit or open recognition of Soviet war booty in Eastern Europe is bound to lead to the discouragement of the peoples there and thus to a lessening of the tension between the subjugators and the subjugated, a tension which is really the driving force of the said evolutionary development. In addition, such a Western toleration of Soviet colonialism is bound to increase Moscow's freedom of action. Moreover, every consolidation of Soviet rule in the satellite states—and that is what a stabilization of the present conditions there as a result of such an attitude on the part of the West would amount to—would be regarded by the Kremlin as self-assertion and would thus in the long run only lead to increased aggressiveness.

SPEECH BY AL HAYES, PRESIDENT, INTERNATIONAL ASSOCIATION OF MACHINISTS, AT DEDICATION CEREMONY, NEW LABOR TEMPLE, WAUSAU, WIS.

Mr. PROXMIRE. Mr. President, on February 29, 1964, Al Hayes, president of the International Association of Machinists, delivered a very fine speech in Wausau, Wis., and I ask unanimous consent that it may be printed in the RECORD.

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

SPEECH BY AL HAYES, PRESIDENT, INTERNATIONAL ASSOCIATION OF MACHINISTS, AT THE DEDICATION CEREMONY FOR THE NEW LABOR TEMPLE AT WAUSAU, WIS., ON FEBRUARY 29, 1964

I have many warm personal memories of many good people and places in this city. It was my good fortune to serve here during one of the most fruitful periods in the history of the labor movement—the period immediately following the enactment of the Wagner Act—when workers for the first time were free to openly organize and join unions of their own choosing without fear of economic coercion or political intimidation.

I assure you that I value the many friendships I made and have maintained here.

We are meeting here today to dedicate this fine new Labor Temple. As I look at this shining new, well designed, and well constructed center of labor activities in Wausau, I cannot help but think back to the kind of halls and rooms, and even back rooms we once used for our meetings in this city.

As many of you know those halls and meeting places of 25 years ago were nothing like this. But of course, our lives—and our standard of living—and even our hopes and expectations were different then than they are now.

In a sense, this temple is a symbol—a proof in concrete, mortar and brick—of how far we have come.

When we look at this building and all the others like it that union men and women have built from coast to coast, we can feel a warm and well justified sense of pride. Not because we have reached our ultimate goal—because we have not—but pride in the knowledge that we have made some progress toward that goal.

But while we warm ourselves in justifiable pride, let us never forget the sacrifice, the sweat, the turmoil, and tears that form the real foundation on which this temple is built.

In a sense this labor temple is a monument to the past—a salute to all the brave men and gallant women who were initially responsible for whatever progress that the working population of Wausau has made.

But in a larger sense this temple of labor here in Wausau, Wis., is much, much more than merely a monument to the past.

This temple is or should be a pledge to the future. As we dedicate it we not only honor the past that made this labor temple possible, but we must rededicate our movement to the future of this community and our great country, and to the great unfinished tasks that face us today, and those which lie ahead.

Though the early part of the past 30-year period was a time of mass unemployment, of hunger and of hardship, it was also a time when the labor movement developed great determination and inspiration. Despite the harshness of the poverty that lay over our

land like a heavy cloud in the early 1930's, we were looking and striving for better times.

Our cause was a better Wausau and a better America—an America in which people like us—working people with children to raise and educate—could share more fairly in the fruits of the wealth which our labor produced.

When the machinists started out to organize in this area some 29 years ago, the take-home pay of the average worker in Wisconsin was $23 a week. And notwithstanding the self-serving propaganda about the value of the dollar in those days—the paychecks of those days did not provide a decent standard of life.

It did not buy a downpayment on a house, for example, so most of us lived in rented houses. It did not buy a new car or a college education for our children, or 2 weeks at the lakeshore, or any of the other things we take so much for granted today.

Furthermore, when we started organizing here back in the midthirties—and before we negotiated our first contracts—there were many people in this town who had worked all their adult life—from the time they started to work until the time they died—who never had a single day's vacation, except when they were laid off.

It is hard to believe that only 25 years ago, paid vacations were something that only doctors, businessmen, teachers and rich people enjoyed. They certainly were not something that working people knew anything about.

No, they were not for us. And neither were paid holidays—nor sick leave—nor health and welfare plans—nor pensions—nor any of the many things we take for granted today.

It is too bad that so many people—and especially the young people—assume today that the improved wages and working conditions, and the protections they enjoy somehow came about automatically.

Perhaps it is fortunate that some of us are still around who remember when buildings like this were reserved for the meetings of bankers, or doctors, or lawyers. And we who do remember, know that the building we dedicate here today is more than just a building—or a meeting place—it is a symbol of how far we have come—and how much we have accomplished through our unions.

And while we have made progress toward the goal of providing every family with a standard of living that is consistent with the magnitude of our God-given abundance, we still have a long way to go.

It is our good fortune to be citizens of the richest country—the most affluent society—in the history of mankind. While the people of some countries are condemned to live a life of slow starvation, we have so much food we pay our farmers not to grow it.

While most of the people of the world live in great want, we are able to achieve overproduction with less than 85 percent of our industrial capacity.

But ironically, this abundance we boast about is still denied to millions of Americans. In fact, to millions of our citizens our great country is no different economically than the poor undeveloped countries of the world.

Though most of us—including those of us who were fortunate enough and determined enough to organize in the 1930's—have never had it so good, the tragedy is that in this richest and most productive society in history so many of our fellow citizens have it so bad.

In 1937, no one was surprised when Franklin Delano Roosevelt pointed out that one-third of our Nation was ill-housed, ill-fed, and ill-clothed. But in 1964 we should be both surprised and shocked that one-fourth of our Nation is still ill-housed, ill-fed, and ill-clothed.

Just before Christmas, while most Americans were merrily shopping for toys and presents and turkeys, a few newspapers took time to report the results of the latest study of poverty in America. This study—by the national policy committee—reported (conservatively, they admitted) that 20 million Americans—1 out of every 10—exist in such abject poverty that they must do without the bare necessities of life.

Another 26 million live at minimum adequacy levels. Furthermore, the committee, which includes some of our country's most distinguished economists warned that the number of the poor will increase substantially during the next two decades unless remedial steps are taken.

Of course, this report comes as no surprise to us. The American labor movement has been fighting poverty—and the conditions that cause it—with all of its resources throughout our entire history.

Unfortunately, our efforts have been hamstrung by vigorous opposition, and the Taft-Hartley and the Landrum-Griffin Acts on the Federal level, and so-called right-to-work laws on the State level.

Because we have not been as effective as we should have been—in fighting for a more balanced distribution of wealth in America—poverty has not only been spreading among lower income families—but an increasing share of our country's abundance has been flowing into fewer families at the other end.

A recent study of income distribution of the United States showed that since 1953, the trend toward concentration of wealth has become so pronounced that today 1 percent of the population owns 28 percent of America's wealth—including 76 percent of all corporate stocks and bonds.

So obviously, one of the labor movement's first and foremost goals in the years ahead must be to gain a more equitable share of America's wealth for those families that must now suffer poverty in the midst of plenty.

Organized labor's goals, of course, are determined by the needs of our working population. To define these goals we must look beyond the chrome and the neon which obscure our national failures—our unmet needs.

All across America, for example, in this rich and prosperous land American families—15 million of them—are living in slums unfit for human habitation. In addition there are 7.1 million families with incomes of less than $2,000 per year and 10 million families with incomes between $2,000 and $4,000 per year.

All across America children are studying in firetraps, in basements, and in hallways because there are those who say that this great and rich country cannot afford to build 140,000 additional classrooms. This country that has 8 million with less than 5 years' schooling and 23 million with less than 8 years' schooling in its population that are over 18 years of age.

All across America the sick, the old, and the mentally ill are neglected, forgotten and untreated because we have not yet used our labor and resources to provide the 325,000 beds we need in nursing homes, the 500,000 we need in hospitals, and the 400,000 we need for mental care.

All across America the so-called golden years of retirement have turned to ashes for millions of retirees because they cannot live—as 60 percent must do—on pensions of less than $20 a week.

These are some of the unmet human needs that unions must go on seeking to fulfill in the future. But almost overshadowing all these current needs and problems of our people is the one great and growing problem of automation.

Lest I be misunderstood, let me make it clear, no one is more aware than labor of automation's promise—and its great potential for good.

But also, no one is closer than labor to the human wreckage that automation can leave in its wake.

It is cruel and immoral to tell a man who has been displaced by a little black electronic box that his children will be better off in the long run. Actually we live in the short run and die in the long run. The society that benefits from automation must care for and provide for automation's human victims. In our kind of society we cannot permit our progress to create and build a human scrap heap. We can never permit human beings to become obsolete.

Therefore, we in the labor movement will also fight with all our strength in the years ahead to insure that automation is indeed a blessing and not a curse for the working people.

In closing let me say that there are always those who yearn for the past—for the days of long ago when unions were fighting for nothing more than a living wage. Those, they tell us, were the good old days. Those were days of challenge and opportunity, and that organized labor has now lost its reasons for dedication to a cause.

But I say to you: Those of you who will occupy this new labor temple—you who will meet here—and work here—for the good of your fellow members and your fellow men—have greater opportunities and greater challenges than ever before.

This building—this temple of labor—is not the end of the road. It is but a new beginning—a fresh start on the great and challenging unfinished task that lies ahead.

The best is not behind us. The best is yet to come. How soon it will come will depend upon you.

FORTY-SIXTH ANNIVERSARY OF LITHUANIA'S DECLARATION OF INDEPENDENCE

Mr. PROXMIRE. Mr. President, on February 23, in Kenosha, Wis., a resolution was unanimously adopted at a mass meeting of Lithuanian-Americans commemorating the 46th anniversary of Lithuania's declaration of independence.

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

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

RESOLUTION

We, Americans of Lithuanian ancestry, residing in the Kenosha, Wis., area, met in a meeting called by the Lithuanian American Council on February 23, 1964, at St. Peter's Hall, to commemorate the 46th anniversary of the declaration of independence of the Lithuanian Nation, did make and adopt the following resolution:

"Whereas in 1940 the Soviet Union illegally seized, annexed, and began sovietizing Lithuania and the other Baltic States, depriving their peoples of their human and property rights, and still occupies and rules these nations to this day; and

"Whereas the Government of the United States denounced this criminal aggression by the Soviet Union and has firmly refused to recognize the Soviet rule in Lithuania, Latvia, and Estonia; and

"Whereas the Soviet keeps seeking ways and means, direct and indirect, to gain recognition of its illegal colonialism in the Baltic States, for this purpose recently offering a nonaggression treaty between the North Atlantic Treaty Organization and the Warsaw Pact bloc, and an agreement to settle all boundary disputes without the use of armed force: Therefore, be it

"*Resolved,* That we urge our Government to be wary of entering into any agreements with the Soviet Union which would imply the recognition of the Soviet rule in the presently captive states, freeze the present boundaries and territory designations, and/or preclude the possibility for the Lithuanians and other captive peoples to use whatever means would be necessary and available at an opportune moment in order to rid themselves of the onerous Soviet yoke and regain their freedom and independence; be it also

"*Resolved,* That we request our Government to place the matter of the liberation of the world's newest colonies—occupied Lithuania and all the other Soviet captive countries—before the United Nations and demand through the United Nations immediate withdrawal of all Soviet troops, ruling apparatus, and colonists from Lithuania and all the other captive nations; and be it further

"*Resolved,* That we send this resolution to the President of the United States, and copies thereof to the Secretary of State, to the majority and minority leaders of both houses, to the Senators from our State and Members of Congress from our districts, and to the local press."

Done at Kenosha, Wis., this 23d day of February 1964.

VLADAS SKIRMUNTAS,
Chairman.
ZENONAS LUKAUSKAS,
Secretary.

BIRTHDAY OF THOMAS G. MASARYK

Mr. PROXMIRE. Mr. President, March 7 was the birthday anniversary of Thomas G. Masaryk, who was a spokesman for Czechoslovak independence and the first President of the Czechoslovak Republic.

He was a great friend of this country and a great friend of freedom. Few, if any, individuals contributed so much in recent years to the cause of freedom throughout the world as did Thomas G. Masaryk.

Mr. President, national histories are almost invariably blended with the lives and deeds of certain national leaders, with certain heroic and seemingly superhuman characters. And every country and people have their hero of heroes. In modern Czechoslovak history there is one such person who towers above all others because he did more to free the Czechoslovak people from the oppression of alien yokes than any other of their leaders. That is why Masaryk, the founding-father, the first President of the Czechoslovak Republic, and perhaps the noblest exponent of democracy in central Europe in his lifetime, is honored and loved by his people.

This humble, gifted and great son of Czechoslovakia was marked for real greatness, and the Czechoslovak people were fortunate that, in their dire need of leadership, in their struggle for freedom, they had found in Thomas Masaryk such a dynamic, unerring and devoted leader. He it was who became their spokesman in parliament in Vienna, put their righteous cause before the statesmen of the Allied countries during the First World War, and successfully convinced them that the cause close to his heart was also the cause of freedom and democracy. In the end he succeeded in creating the Czechoslovak Republic. For all his unselfish and patriotic efforts and superb accomplishments he became the beloved President of the Czechoslovak Republic and guided the destiny of his people for 17 years, until 1935, when in ripe old age he retired from office. Today in observing the 114th birthday of this great Czechoslovak statesman and dauntless champion of freedom, we pay tribute to his blessed memory.

BAN ON PRAYER INVITES ATHEISM

Mr. LAUSCHE. Mr. President, there appeared in the Cleveland Press an article written by Bishop Sheen. The heading of the article is:

Ban on Prayer Invites Atheism.

In the article, Bishop Sheen says, among other things:

By separating the church and state, our forefathers never separated religion from the state. There is a tendency today, however, to argue that on account of the pluralism of religion in the United States, there should be no recognition of religion whatsoever because it might be unfair to those who are antireligious.

Bishop Sheen also states:

The Supreme Court thereby affirmed the "11th commandment": Thou shalt not pray. They who were committed to the defense of the Constitution which is based on religion, have now declared against it.

We ask the question: Quo vadis, America?

In other words, Whither art thou going, America?

Does not this decision prepare the way for what may be the last decision of the Supreme Court? Some of us may live to see the day when it is passed. It will be the death sentence upon our great country.

* * * * *

If a court says, "Thou shalt not pray," because it will offend the atheists, then is not the next step to give to the atheists, rather than to God-fearing men, the right of propaganda?

Mr. President, I think the article is so pertinent to what has happened, that I believe it should be printed in the RECORD; and I ask unanimous consent that that be done.

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

BISHOP SHEEN SAYS: BAN ON PRAYER INVITES ATHEISM

One of the reasons why America's Founding Fathers insisted on the separation of church and state was because of the plurality of religion in the United States. Many nations such as England, Norway, Denmark, Sweden, and others had one established religion; so did about nine of the Colonies.

By separating the church and state, our forefathers never separated religion from the state. There is a tendency today, however, to argue that on account of the pluralism of religion in the United States, there should be no recognition of religion whatsoever because it might be unfair to those who are antireligious.

In connection with pluralism to recall the story of a king who had a parade of all his uniforms. Hundreds of lackeys paraded before the court—one bearing a uniform for a ball, another for mountain-climbing, another for meeting foreign diplomats, another for state dinners, another for the throne, and another for Parliament, etc.

The pluralism of costumes was recognized as a successful event until a boy standing off at the edge of the room pointed out that the emperor was naked.

It is well to recognize pluralism of religious beliefs, but it is wrong to conclude that, therefore, there should be no religion in a nation. There are always some basic principles which are absolutely necessary for the well-being of a nation and which are never in dispute.

The Supreme Court, some time ago, judged that an innocuous 22-word prayer violated the first amendment of the establishment of a church. The Court, basing itself upon a figure of speech, namely, the wall of separation, forgot that no one puts up a wall without containing something, and without enclosing something. Religion was supposed to be inside of this wall, not an established church.

The Supreme Court thereby affirmed the "11th commandant": Thou shalt not pray. They who were committed to the defense of the Constitution which is based on religion, have now declared against it.

We ask the question: Quo vadis, America? Does not this decision prepare the way for what may be the last decision of the Supreme Court? Some of us may live to see the day when it is passed. It will be the death sentence upon our great country.

That future decision will be a repetition of article 124 of the Soviet Constitution, which reads: "The Soviet Union recognizes freedom of religious worship and freedom of antireligious propaganda."

If a court says, "Thou shalt not pray," because it will offend the atheists, then is not the next step to give to the atheists rather than to God-fearing men the right to propaganda? The next decision logically will be that one which affirms that antiprayer and antireligion in school have the support of law in education.

America has reached a critical hour where its citizens must once again hear the words that Washington spoke to his soldiers at Valley Forge: "Put only Americans on guard tonight."

Mr. LAUSCHE. Mr. President, the Senator from Wyoming [Mr. SIMPSON] is working on a bill which will deal with this subject and definitely will make clear that the forefathers of our country never contemplated declaring that we are an atheistic people or that there was definitely hostility on the part of the Government against religion. The purpose of the bill is to have religion restored to the beautiful purpose of the Constitution, so that the people will be told, "Believe in God, and do not be atheists"—contrary to the impact of the Supreme Court's decision.

IOU NO. 13

Mr. METCALF. Mr. President, one of the main purposes of the investor-owned utilities—IOU's—is to destroy or so weaken their competition that the companies can extend their monopoly and increase overcharges to customers.

One vehicle for IOU monopoly plans is Mid-Continent Area Power Planners—MAPP—which I discussed at length in a Senate speech on August 20, 1963.

MAPP is an alliance of 15 IOU's and 6 rural electric generating cooperatives in 10 North Central States, the Manitoba—Canada—Hydroelectric Board and 1 lonely Nebraska public power district.

In my August 20 speech, I noted that although the Bureau of Reclamation has the largest transmission system in

the north central area, it had not to that time been consulted on the MAPP plans.

I also noted that invitations to the social hour in Washington last August, at which MAPP plans were presented to the press and Members of Congress, inferred that the power pool's plans were consistent with Federal Power Commission objectives of integrated regional power planning. However, MAPP plans did not have even a hint of endorsement by FPC.

Mr. President, Rufus Terral of the St. Louis Post-Dispatch recently spent several weeks studying the power picture in the Missouri Valley. In a series of four articles, he told of the value that can accrue to the region by use of lignite coal, long-distance transmission and power pooling. He documented the manner in which MAPP would add millions of dollars to power costs by construction of transmission lines which would duplicate existing Bureau of Reclamation facilities. These extra costs would, of course, have to be paid by the industries and residents of the valley.

Mr. Terral reported, too, in the words of MAPP's chairman, the manner in which the IOU's would exclude others from power planning. Earl Ewald, executive vice president of Northern States Power in Minneapolis and chairman of MAPP, said that municipal power systems would not be accepted as members of MAPP because it "would require too many members on committees."

On February 28, the Post-Dispatch succinctly stated the purpose of MAPP as follows:

MAPP is predominantly political in nature and obstructionist in purpose. It emerges as a hastily pasted together paper grid to forestall the National Power Survey report expected in April, frustrate a major purpose of the survey by laying out hundreds of miles of duplicating transmission lines, and persuade Congress to withhold the means of improvement and growth for the Bureau of Reclamation system. * * * From information obtained from the organization itself * * * it has become apparent that MAPP's coloration as a joint private-public power pool is illusory and that it could eventually be used to force many of the 600 municipal systems in the basin, 77 of them in Missouri alone, into selling out to the companies.

Mr. President, I ask unanimous consent to insert in the RECORD Mr. Terral's articles, which appeared in the February 24, 25, 26, and 27 issues of the Post-Dispatch, and the Post-Dispatch's February 28 editorial.

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

[From the St. Louis Post-Dispatch, Feb, 28, 1964]

OUR STAKES IN POOLED POWER

The task of bringing to this Midwestern region and the Nation the advantages of drastically lower cost electric power by pooling, with fullest use of the new technologies of long-distance transmission and giant generators, has been described in a series of articles by Rufus Terral in the Post-Dispatch. The job can be done without disturbing either the independence of the private systems or the yardstick value of the public systems. There will remain ample opportunities for the two systems to exercise a beneficial effect by vying to reduce rates and improve service in the distribution of electricity at retail and wholesale.

But pooling all resources in unified systems is of the essence. Only so can generators be built big enough to realize maximum economies, and transmission lines be operated at minimum unit costs. The new technologies demand by their very nature an end to the costly hostilities between private and public power, a new era of cooperation.

With rare and isolated exceptions, neither the private nor the public segment of the electric power industry is evincing a genuine effort for total pooling. Both Secretary of Interior Udall and Federal Power Commission Chairman Swidler have called for it in ringing terms. But the Bureau of Reclamation, which operates in Mr. Udall's department as the Government's power marketing agency, has given little more than lip service to the principle. Mr. Swidler, whose regulatory agency would be the logical one to preside over pooling, has been unable to settle his doubts concerning proposed legislation to require FPC licensing for extra-high-voltage lines. Private companies remain predominantly opposed.

Battle lines are being redrawn to perpetuate the wasteful fight and even to intensify it. This is preeminently the case in the Missouri River Basin States, of which Missouri is one.

The instrumentality of the private companies in the Missouri Basin States is Mid-Continent Area Power Planners (MAPP). From information obtained from the organization itself the conclusion seems plain that MAPP is predominantly political in nature and obstructionist in purpose.

It emerges as a hastily pasted together paper grid to forestall the National Power Survey report expected in April, frustrate a major purpose of the survey by laying out hundreds of miles of duplicating transmission lines, and persuade Congress to withhold the means of improvement and growth for the Bureau of Reclamation system.

From the same source it has become apparent that MAPP's coloration as a joint private-public power pool is illusory and that it could eventually be used to force many of the 600 municipal systems in the basin, 77 of them in Missouri alone, into selling out to the companies.

As the best available indicator of what MAPP portends, the terms on which members of the group propose to base a full third of the projected grid lines and a major generating project are dismaying.

Two MAPP generating cooperatives, with a $39 million loan from the Rural Electrification Administration, plan to build and operate a steam generating plant in North Dakota fueled from the extensive lignite coal deposits in that State.

United Power Association, as their group is called, rejects economies running into millions of dollars which could be achieved by joint construction and operation with Basin Electric Power Cooperative, a combination of generating cooperatives which is already building a plant in the same vicinity with a $35 million REA loan to supply its members and the Bureau of Reclamation.

United Power insists on a separate, duplicating plant and on separate transmission lines duplicating those of the Bureau. These conditions are imposed by two MAPP power companies which control the transmission lines to be used. Their purpose, as quoted by an officer of another MAPP company, is to shun cooperation with the Bureau and prevent Basin Electric from completing its plant beyond the first of five planned generating units.

This, we submit, is wasteful and destructive. That REA is a party to it can only be deplored.

Bringing about peace on the power front calls for a firm hand at the highest level of Government. A Presidential commission would be appropriate to formulate the basis for legislation and administration to that end.

It should be made the duty of the FPC to bring about, by persuasion if necessary and requirement if need be, the pooling of long-distance power transmission keeping local generation and distribution as at present separate and competitive as between systems.

That would be the most economical and the most useful pattern. The United States is probably the only industrial country in the world that still lacks national coordination of its power supply. Too much of the Nation's productive strength depends on its electric power for America to continue to settle for second best.

[From the St. Louis Post Dispatch, Feb. 24, 1964]

STRUGGLE FOR POWER—NEW TECHNIQUES GIVE PROMISE OF TRANSMITTING ELECTRICITY DERIVED FROM NORTH DAKOTA LIGNITE—LOW-COST PRODUCT OF LOW-GRADE COAL MIGHT BE SENT TO ST. LOUIS—INITIAL PLANT BEING BUILT NEAR STANTON

(By Rufus Terral)

(First of a series)

STANTON, N. DAK.—Half a dozen farmers in work clothes stand around a stove in a shack at a Truax-Traer Coal Co. strip mine here, waiting for their truck to be loaded with lignite coal. Since lignite is a low-grade fuel, it costs them only $3.50 a ton.

Nearby is a worked-out mine of a single seam of lignite, some 70 feet deep. It looks like the dry bed of a river, with sharp bends every few hundred feet. Its bottom is of leveled coal, too deep for economical mining, a frozen black river of lignite winding off into the distance.

North Dakota's lignite is estimated at 350 billion tons, the largest single reserve of fossil fuel in the United States, a fourth of all the known coal tonnage remaining in the country. Further extensive deposits exist in Wyoming, South Dakota, Colorado, and adjacent parts of Canada. Seams in Wyoming run 90 to 120 feet thick, compared with 10 to 20 feet in the Stanton area.

Until recently, these deposits had stirred the imaginations of engineers and industrialists to no avail. They could not be used to generate electric power on the spot because there was no major market within the range of 150 to 200 miles to which power could be transmitted without excessive loss in transit. Nor could the lignite be transported to generating plants within range of major markets, for its low fuel value in relation to weight made the cost prohibitive.

Engineers studied the fields as a potential source of power for the manufacture of steel and aluminum. They considered using lignite as raw material for production of chlorine and ammonia and for conversion into fertilizer by chemically doubling its 14 percent nitrogen content.

No practicable means of utilizing lignite in large quantities appeared until the advent within the last 10 years of new technologies for moving larger quantities of electricity longer distances than ever before at economical costs.

Extra-high-voltage methods are expected to be moving electricity soon over distances up to 1,000 miles, and at lowered unit costs.

"This means power from North Dakota lignite into Chicago and Detroit," said Secretary of Interior Stewart L. Udall.

"It means power into St. Louis and San Francisco," added Kenneth Holum, Assistant Secretary of Interior for Water and Power.

"The eventual shape of total power in the Missouri Basin," said Holum, "depends largely on how much future power generation is built on the lignite fields in the Dakotas.

A pretty extensive area of the Midwest is going to get its future power supply from these lignite coal fields. It will be some of the lowest-cost steam power in the United States."

Studies for an initial plant, being built along the Missouri River near Stanton by Basin Electric Power Cooperative, Inc., show, he said, fuel costs of 13½ cents a million B.t.u.'s (British thermal units, the measure of heat). This compares, Holum said, with about 15 cents being paid by the Tennessee Valley Authority, 20 cents by Union Electric Co. of St. Louis, 25 to 30 cents by various generating plants of Northern States Power Co. of Minneapolis, and 35 cents by the Los Angeles field.

The Basin Electric plant is expected to produce power for about 3 mills a kilowatt-hour. This is half Union Electric's average cost. Transmission is figured at about 2.7 mills a kilowatt-watt hour.

Total delivered cost of 5.7 mills would be 20 percent below the average wholesale power costs of REA-financed electric cooperatives in Nevada, 38 percent below those in South Dakota, 49 percent below those in Minnesota, and 60 percent below those in Maine.

How lignite will perform in large-scale operation is still not fully known. It has been burned for power upwards of 30 years, but in small plants in the 30,000-kilowatt range. The largest existing lignite steamplant is a 66,000-kilowatt unit of Montana-Dakota Utilities Co., just completed at Mandan, N. Dak.

Even if three-fourths of the estimated North Dakota deposits should prove unusable (an assumption regarded as on the pessimistic side), the rest would still be enough to sustain a capacity of 150 million kilowatts for 100 years, James L. Grahl, general manager of Basin Electric, said.

Basin Electric's plant will have the largest single lignite-burning unit in the Western Hemisphere. It will be the first 200,000-kilowatt unit of a projected five-unit, 1 million-kilowatt operation.

Financed by a $35 million loan from the Rural Electrification Administration, Basin Electric is an association of nine power generating cooperatives.

Lignite presents some special problems in a powerplant. Because of its low fuel content, it must be used in quantities about twice as great as conventional coal. Slag and dust in the flues may accumulate in excessive quantities. The boiler must be about twice the size of an ordinary one.

Costs of coal must be kept low. Basin Electric will burn 1,200,000 tons a year in the first unit alone, more than a third as much as the total present lignite production in the United States.

New economies in mining lignite, made possible by the large-scale coal contract with Basin Electric, will be introduced by the coal supplier, Truax-Traer. Basin Electric's contract calls for the excavations to be refilled and leveled after strip mining is completed.

A specially designed mechanical digger is being built to mine the upper seams of coal. It will be brought to the site in 80 railroad cars. Assembled, it will weigh 2,350 tons and will be taller than a 10-story building and longer than a football field. It will move on its own power. Six Caterpillar tractors, attached in pairs to its triangular base, will enable it to revolve on its axis. The machine will work from 70 feet above to 12 feet below its base.

The mined coal will be placed in 75-ton trucks by loading shovels that can fill a truck in 3 minutes, for transportation to the steamplant, 2 to 3 miles from the mine.

There it will be pulverized finer than flour and fed into a furnace 95 feet square and taller than the North Dakota State Capitol, rising the equivalent of 19 stories.

The Leland Olds plant, as it is named in honor of the late Chairman of the Federal Power Commission, is a strange sight under construction on the remote and desolate plains.

Roundabout as far as the eye can see there is only a flat brown landscape. Vegetation is sparse. There are no trees except along the banks of the Missouri River. There is no sign of human habitation or other life except an occasional coyote.

From the Leland Olds plant power will flow out to nearby Garrison Dam, a principal structure in the development of the Missouri River and its tributaries by the Army Corps of Engineers and the Bureau of Reclamation for flood control, irrigation, navigation, and power production.

At Garrison, Basin Electric's lines will connect with the transmission network of the Bureau of Reclamation over which, by long-term contract, it will be carried to the cooperative membership.

In winter, when hydroelectric power production is reduced to fill the reservoirs behind the system of dams in preparation for the coming navigation season, the Leland Olds plant will supplement a large block of the Reclamation Bureau's power which the Bureau produces for itself the 7 other months of the year.

Subsequent units of the plant are planned for installation to meet growth in demand on the Basin Electric and Reclamation Bureau systems. Nationally, demand has been doubling every 10 years.

Virtually since the start of the Missouri River Basin development project, spreading the resultant electricity around fast enough to meet the demand has been, in Assistant Secretary Holum's words, like "putting lights on the tails of the jackrabbits."

Installed hydroelectric capacity will soon reach 2,200,000 kilowatts, in practice the virtual maximum in the Missouri River system. Steam power will then offer the only means of increasing production within the basin.

Lignite, if it proves satisfactory in the large-scale operation now shaping up toward 1966, will constitute the predominant source for that steam power at low cost, a source potentially as mighty as 50 Missouri Rivers for the coming century.

[From the St. Louis Post-Dispatch, Feb. 25, 1964]

STRUGGLE FOR POWER: REA APPROVES $39 MILLION LOAN FOR NORTH DAKOTA UTILITY PLANT DUPLICATING $35 MILLION FACILITY—DISPUTE OVER DEVELOPMENT OF LOW-COST REA AGAINST ITSELF

(By Rufus Terral)

(Second of a series)

STANTON, N. DAK.—The Rural Electrification Administration has approved a $39 million loan for construction of a steam-electric generating plant in North Dakota that would largely duplicate a plant already under construction there with a $35 million loan from REA.

United Power Association, formed by two rural electric generating cooperatives in Minnesota, has declined to enter into joint construction and operation with Basin Electric Power Cooperative, which is building the first 200,000-kilowatt unit of a projected five-unit, 1 million-kilowatt plant.

James L. Grahl, general manager of Basin Electric, said that REA's staff had estimated that joint construction and operation could save millions of dollars.

United Power is allied with Mid-Continent Area Power Planners (MAPP), a pool of 15 power companies including Union Electric of St. Louis, six rural electric generating cooperatives, the Omaha Public Power District and the Manitoba (Canada) Hydroelectric Board.

Basin Electric is allied with the U.S. Bureau of Reclamation, with which it will interchange power.

Opposition to combining the two plants comes from Northern States Power Co. of Minneapolis, on which United Power depends for its transmission, Hoburg B. Lee, Director of the Power Supply Division of REA, said.

Grahl said that Northern States, second largest member of MAPP, hopes through building and operating a separate plant to prevent Basin Electric from ever building a second unit.

J. L. McEachin, vice president of Minnesota Power & Light Co. of Duluth, a MAPP member organization which opposes the United Power plan, confirmed Grahl's statement, quoting Northern States officers.

"Northern States tried to get us to stop opposing the loan on the basis that this was the only way to stop public power, that otherwise Basin Electric will build more units," McEachin reported.

"Northern States says that basically this is an ideological thing, that the only way is to have a cooperatively controlled plant that isn't connected with the Bureau of Reclamation."

Earl Ewald, executive vice president of Northern States and chairman of MAPP, attacked Kenneth Holum, Assistant Secretary of the Department of Interior for Water and Power, for his part in bringing about Basin Electric, which will supply the Bureau of Reclamation's supplementary power needs in the Missouri River Basin.

"My feeling about Holum," Ewald said, "is that he wants to form a valley authority, and that we will have nothing to do with. Basin Electric is the development of a Federal system, and this we are opposed to. We don't want another TVA or Missouri Valley Authority."

Ewald said that it "isn't quite correct" to say that Northern States insists on a separate plant for United Power. The essential point is not that Northern States is refusing to work with Basin Electric, Ewald said, but that Basin Electric has made itself impossible for the company to work with.

"It is different in ideology, it is trying to pirate all our loads, and it is smearing us even while making overtures of cooperation. How can we be expected to deal with it on a basis of trust and cooperation?" Ewald asked.

Ewald was asked about reports that one of the reasons Northern States wants a separate cooperative plant at Stanton is that it intends to build a plant of its own on the same site. He said that "there is a very good possibility," that his company or Otter Tail Power Co., of Fergus Falls, Minn., another MAPP member, will build there. Kenneth Vig of Minnkota Power Cooperative at Grand Forks, N. Dak., coordinator of MAPP, said, "there's definitely a big new generator to be installed there some time because the power companies definitely have need for generation out there."

Basin Electric represents the opening effort to develop the extensive lignite coal deposits of North Dakota for the production of electric power to supply to Government system operated by the Bureau of Reclamation with rural electric cooperatives and municipal systems as distributors.

The Bureau's hydroelectric plants in the dams of the Missouri River Basin development have reached the virtual limit of installed capacity, and additional segregation within the basin to supply growing demand will depend on steam power. North Dakota's lignite is the major available source of fuel for low-cost steam power. To avert a deficit of power in the Missouri basin in 1965, Basin Electric was formed in 1962 by a group of generating cooperatives representing 105 distribution cooperatives serving 200,000 rural consumers in North and South Dakota, Minnesota, Iowa, Nebraska, Colorado, Wyoming, and Montana.

From its plant near Stanton on the Missouri River 55 miles northwest of Bismarck,

Basin Electric will transmit electricity to its farflung membership over the transmission lines of the Bureau of Reclamation by long-term contract. Basin Electric will supply the Bureau with power to maintain a large block of capacity during the 5 wintry months of the year when hydrogeneration must be reduced to conserve water for the coming navigation season.

Among the co-ops forming Basin Electric were Rural Cooperative Power Association of Elk River, Minn., and Northern Minnesota Power Association of Virginia, Minn., both operating in areas of high-cost power and seeking low-cost supply for their members.

These two cooperatives soon expressed dissatisfaction with the arrangement and, though remaining members of Basin Electric, formed United Power Association. United Powe· applied for an REA loan to build a separate 150,000-kilowatt plant on another tract a quarter mile away from the Basin Electric plant. For transmission it made arrangements with Northern States Power Co., and Otter Tail Power Co.

Grahl, Basin Electric's general manager, said the REA staff estimated that combining United Power with Basin Electric would save $2 to $4 million in construction costs, $150,000 a year in operating costs and $3 million in the first 6 years' bills to consumers, $1,500,000 of it in bills to consumers in northern and central Minnesota. About $7 million more could be saved, Grahl said, if United Power would use the Bureau of Reclamation's transmission lines to Grand Forks, N. Dak., near the Minnesota border, instead of building 242 miles of duplicating lines at a cost of $12 million.

REA attempted for the better part of a year to persuade United Power to accept some form of joint action with Basin Electric in construction and operation of its plant, officials of the agency said. Several formulas were presented and rejected. A similar effort was made by the Missouri Basin Systems Group, the pool of the Reclamation Bureau with cooperative and municipal systems.

At a meeting between the Missouri Basin Systems Group and the MAPP executive committee in October, Grahl urged that "the idea of cooperation between the two groups be implemented by setting up a small committee of representatives of both to develop the best coordinated plan from an engineering and economic standpoint which would meet the needs of both United Power Association and Basin Electric."

"My proposal met with complete rejection by the MAPP executive committee," Grahl said. "We were told that United Power's transmission plans are not open for discussion, and are 'settled'."

Under the transmission plan, United Power would deliver virtually all its power to Northern States and Otter Tail for delivery to their more than 100,000 customers in North Dakota. In return the power companies would provide an equal amount of power from their generating plants in Minnesota to Ru al Cooperative Power Association and Northern Minnesota Power Association for their distribution cooperatives in northern and central Minnesota.

This procedure is called displacement. It has been used before in projects financed by REA, but never to the extent planned in United Power. REA has an opinion from the legal staff of the Department of Agriculture, under which it operates, that the displacement plan in the United Power project is legal under the Rural Electrification Act.

The United Power loan application was opposed by Minnesota Power & Light, which is selling electric power to the distribution cooperatives represented by Northern Minnesota Power Association for their 46,000 customers. Minnesota Power & Light already has a surplus of power amounting to more than a fourth of its total capacity, owing to the decline of activity in the iron range, its officers said. They said that the company stands to lose 5 percent more of its business from the proposed takeover of the cooperatives' supply by Northern States and Otter Tail.

Even without the economies of joint construction and operation United Power's prospective savings to the 94,000 customers of its distribution cooperatives in Minnesota are estimated by REA at $11 million in the first 6 years. Senator HUBERT H. HUMPHREY pressed the agency to approve the United Power loan application as did his fellow Minnesota Senator EUGENE J. MCCARTHY.

On December 6 REA announced approval of the loan to United Power. It said, "The proposed new generating unit will be installed as an extension of the plant now being constructed by the Basin Electric Power Cooperative."

"The joint arrangement as worked out by United and Basin, with REA, is expected to result in significant savings in annual operating costs for both cooperatives through the sharing of common facilities and coordinated fuel purchases," the REA announcement said. These savings were estimated to "amount to more than $2,200,000 to the two cooperatives, collectively, over the first 6 years of operation."

The part of the loan for transmission lines was placed under "special control" by REA for 6 months "to permit further negotiations in the immediate future by United with the Bureau of Reclamation for utilization of the Bureau's transmission facilities." If such arrangements could be made on a 35-year basis "at a cost within that obtainable under United's plan for construction of its independent transmission system, only that portion of such funds as may be required under an arrangement with the Bureau will be released."

Specifically what measures of cooperation with Basin Electric had been agreed on by United Power could not be learned from REA. In mid-January United Power Association exercised an option on a separate 158-acre tract adjoining the Basin Electric site, purchased it for $150,000, and said that it would build its plant there. Thus the conflict of United Power with Basin Electric for development of low-cost power for the Missouri basin from North Dakota lignite now stands. Whatever its outcome, it has already set power company against power company, cooperative against cooperative, and REA against itself.

[From the St. Louis (Mo.) Post Dispatch, Feb. 26, 1964]

STRUGGLE FOR POWER: INTERIOR DEPARTMENT REGARDS MAPP AS THREATENING RIVAL TO ITS MISSOURI BASIN GRID PLAN—GROUP EXISTS TO DESTROY FEDERAL POOL, OFFICIAL SAYS—COMBINE ASSERTS IT SEEKS TO AVERT EXPANSION

(By Rufus Terral)

(Third of a series)

The Department of Interior, whose Reclamation Bureau is the Government's power marketing agency, regards Mid-Continent Area Power Planners (MAPP) as a threatening rival to its own electric power pool, the Missouri Basin Systems Group.

"The purpose of MAPP is to destroy the Missouri Basin Systems Group," charges Kenneth Holum, Assistant Secretary of the Interior for Water and Power.

Earl Ewald, executive vice president of Northern States Power Co. of Minneapolis and chairman of MAPP, says that MAPP was formed to avert new Government developments in the power field by performing the developments itself.

"Our intent in taking that posture publicly," he said, referring to MAPP's announcement last August of a proposed power grid for the Missouri River basin, which includes Missouri, "was to emphasize that we could do the job and the Government didn't have to."

MAPP's purpose as described by the trade publication Electric Light and Power is to persuade Congress "to put a lid on Government grid schemes."

"Can investor-owned utilities hope to slow the growth of Federal electric power programs? Continuation of present interconnection plans might do the trick," the trade journal said in an editorial.

"This idea was voiced recently by a top executive of a large eastern utility. If investor-owned companies can complete the job first, Congress may be persuaded to put a lid on Government grid schemes. Latest step in the right direction was the announcement of a 5,400-mile network integrating the systems of 22 suppliers in 10 northern Midwestern States."

Department of Interior officials point out that the Government's systems in the Missouri basin has yet to equip its transmission lines to carry the new extra-high voltages that offer radical economies in cost, and that it has just begun interconnections with Government power systems in other regions. They point out also that MAPP's announced grid would duplicate hundreds of miles of the Government's lines. Avoidance of duplication is one of the principal objectives of the National Power Survey being conducted by the Federal Power Commission.

Late last year the Reclamation Bureau initiated a link between the Missouri basin system and that of the Southwestern Power Administration for the supply of Missouri rural electric cooperatives.

The Bureau seeks funds from Congress to link the Missouri basin system with the Bonneville Power Administration system on the Columbia River to the northwest, and to link Bonneville with the Colorado River power system and the Central Valley system in California.

Eventually still further interregional pooling is envisioned as linking the Southeastern Power Administration, based on the Cumberland River in a 10-State area, with the Tennessee Valley Authority, and linking TVA with the Southwestern Power Administration, serving parts of Missouri, Oklahoma, Arkansas, Kansas, Louisiana, and Texas.

Routes and connections of the Government's transmission system in the Missouri basin that the proposed MAPP grid would duplicate are those linking Garrison, Minot, Grand Forks and Fargo, all in North Dakota, linking Huron, S. Dak., and Ellendale, S. Dak., linking Ellendale and Garrison, linking Sioux City, Iowa, and Sioux Falls, S. Dak., and reaching within about 125 miles of Minneapolis and 60 miles of Omaha.

What the Department of Interior fears from MAPP, an official of the Government agency says, is that through sheer size it would dominate the region, stifle the Missouri Basin Systems Group by preventing its growth, and monopolize electric power in the entire area. This is said to be especially pertinent to the 600 municipal electric distribution systems in the basin States, many of which cannot expect to survive unless they can have access to the new economies in transmission and in the giant generating units that extra-high voltage makes possible.

MAPP consists of 15 power companies, 6 rural electric generating cooperatives, the Omaha Public Power District and the Manitoba (Canada) Hydroelectric Board, a provincial Crown corporation headquartered at Winnipeg. Its largest members are the Union Electric Co. of St. Louis and Northern States Power Co. of Minneapolis.

The Missouri Basin Systems Group consists of the Reclamation Bureau and rural electric cooperatives, municipal systems, and other nonprofit distributors of electricity to which the Bureau must give preference in the purchase of Government-generated power by mandate of Congress.

In announcing its Missouri basin plan, MAPP said, "We hope that the Federal Government will want to join with us in a long-range program of integrated operation and regional power planning." It said that its plan was "consistent with the objectives outlined recently by the Federal Power Commission." It said that it proposed to "recognize the needs and to plan for the participation of municipal systems in the development of area electric power supply facilities and to provide a method whereby the municipals may share in the benefits of regional power pool development."

George J. Vencill, Union Electric's representative in MAPP, was asked by the Post-Dispatch whether membership in MAPP was open to the Bureau of Reclamation. The Bureau operates the largest single transmission system in the Missouri basin with 5,000 miles of lines, and hydroelectric plants on the Missouri River system, representing a Government investment of about $2 billion.

"The companies will never agree to joint operation with the Bureau of Reclamation," Vencill replied. "If we joined the Bureau in transmission lines it would offer an opportunity for extension of Federal power because we would be dependent on Federal lines for our transmission."

Ewald, MAPP's chairman, was asked whether municipal systems would be accepted as members. He said that they would not, because it would "require too many members on committees." A clear statement of MAPP's intentions toward municipal systems is still unavailable. Minutes of a MAPP meeting preparatory to its public announcement, disclosed last August by Senator LEE METCALF, Democrat, of Montana, showed that some members were critical of a draft announcement as being "too specific, particularly in the statement on municipals."

MAPP's statement that its plan was consistent with the objectives of the Federal Power Commission was denounced by Senator METCALF on the floor of the Senate. He said that the FPC's purpose in conducting its National Power Survey is, in its own words, to "suggest in broad outlines how the Nation's 3,600 electric systems can key their future expansion plans to a national scale rather than a local or area basis."

Instead of conforming to the FPC's national objective, METCALF said, MAPP proposes to put into effect the recommendations drawn up by a regional advisory committee for the National Power Survey and intended only as preliminary material to be used in final determinations by the Commission's own staff.

"Before the area report can be reviewed by the National Power Survey Advisory Committee and the Federal Power Commission staff, or evaluated in terms of a national system, this group is going to carry out the unevaluated giant power plan in the upper Middle West," METCALF said. The advisory committee included representatives of Union Electric and Northern States, and its chairman was Cecil W. Smith, president of Montana-Dakota Utilities Co., which also later became a member of MAPP.

The proposed grid that MAPP announced that its members "and neighboring power suppliers" would build, "planned for completion by 1980," has been analyzed by representatives of the organization for the Post-Dispatch in response to questions as to who will build the lines and when they are scheduled for completion.

Vencill of Union Electric supplied information concerning lines at the southern end of the proposed grid, specifically those to connect Minneapolis and St. Louis, Chicago and St. Louis, Kansas City and St. Louis, Chicago and Minneapolis.

Information concerning the lines farther north was obtained from Kenneth S. Vig, of Minnkota Power Co-op, at Grand Forks, N. Dak., coordinator of MAPP, who confirmed that the proposed grid is based on the regional advisory committee's report to FPC.

Their combined information shows that of the 12 major transmission lines involved, 6 are projected so far into the future that no companies have yet decided to build them and decisions are 3½ to 13 years distant.

Construction of three of these six, and of one other, is dependent on a project of two MAPP cooperatives, supported by two MAPP power companies, to build a steam generating plant in North Dakota duplicating a plant already under construction there.

An eighth line is projected for completion 3 years hence by three companies that are not members of MAPP. A ninth is contingent on a decision not yet made by a company that is not a member of MAPP. A 10th is to be completed by 1968 with only minor participation by Union Electric, consisting of a short interconnection at the St. Louis end.

The remaining lines are between Minneapolis and Duluth, completed last year and in operation, and between St. Louis and Minneapolis, being planned in detail for completion in 1967 by Union Electric and Northern States.

There are no contractual relations between MAPP and its members requiring construction of any of the lines, Vencill said. The only contracts to be entered into will be those of individual companies covering specific lines as their construction is decided on, he said. Every member is privileged to accept, modify or reject the announced plans, or to withdraw from MAPP at any time. One of the members, Central Power Electric Cooperative of Minot, N. Dak., withdrew 3 months after the organization was announced. Vencill said he felt sure that the lines would be built, though he acknowledged that firm decisions are not taken so far in advance.

"From an engineering standpoint," said Vencill, who is Union Electric's chief hydraulic engineer, "you don't draw a map like that and say, 'We'll build it.' Every decision is an economic decision and you make it 3 to 4 years in advance, the lead time for bringing new power on the line."

The six lines that none of MAPP's members has yet made a firm decision to build are between (1) Omaha, Des Moines, Davenport, Iowa, and Chicago, (2) Omaha, Sioux City, Iowa, Sioux Falls, S. Dak., and Minneapolis, (3) Omaha and Kansas City, (4) Minneapolis and Garrison, (5) Sioux Falls and Garrison and (6) Duluth and Ellendale, N. Dak., connecting with the Sioux Falls-Garrison line.

The four lines dependent on the North Dakota steam generating plant are the last three of the foregoing and a line from Garison through Minot to Grand Forks, all in North Dakota. The Rural Electrification Administration, the financing agency, is trying to avert construction of some of these lines through use of existing lines of the Bureau of Reclamation.

The line subject to a decision not yet made by a company that is not a member of MAPP is between Kansas City and St. Louis. It awaits decision by the Kansas City Power & Light Co. whether to defer construction of a new generating plant up to 2 yea s and buy these requirements meanwhile from Union Electric, or to build the plant earlier.

The line in which only a minor leg would be built by a MAPP member is between Chicago and St. Louis.

The line to be built by companies none of which is a member of MAPP is between Chicago and Minneapolis, to be completed 2 years hence.

The alinement of six rural electric cooperatives and the Omaha Public Power District with 15 powe· companies in MAPP represents no new development between private and public power, for as MAPP itself said in announcing its formation, these associations are of long standing, some of them going back to 1951.

The Manitoba Hydroelectric Board, which joined MAPP in January, is seeking a market that will enable it to develop the estimated 4-million-kilowatt potential in the Nelson River, W. D. Fallis of Winnipeg, general manager, said. The Nelson has its source in Lake Winnipeg and flows 410 miles northeastward into Hudson Bay.

[From the St. Louis Post-Dispatch, Feb. 27, 1964]

STRUGGLE FOR POWER—EXPERTS AGREE THAT POOLING OF ELECTRIC FACILITIES REGIONALLY IS ESSENTIAL TO U.S. ECONOMY—RIVAL PUBLIC AND PRIVATE CONCERNS CONTINUE TO BATTLE IN MISSOURI BASIN DEVELOPMENT

(By Rufus Terral)

(Last of a series)

While rival power pools, one public, the other predominantly private, continue to battle each other in the Missouri River basin, experts agree that single regional pools keyed to national perspective are essential. These would, they say, bring about the economies offered by the coming era of long-distance transmission and giant generating units.

Heads of two of the Federal agencies principally concerned with electric power have strongly proclaimed this principle. They are Secretary Stewart L. Udall of the Department of the Interior, whose Bureau of Reclamation is the Government's power marketing agency, and Chairman Joseph C. Swidler of the Federal Power Commission, the Government's regulatory agency.

The rival poolers themselves pay lipservice to unification of production and transmission. But each side declares that it has invited the other to join with it and has been rejected, and its own invitation has been refused.

Hostilities have become habitual between the two groups after more than 30 years of conflict. Each is convinced that the other threatens its survival. There are rare exceptions to this general picture.

Swidler estimates that an improved efficiency of only 5 percent from a full coordinated system of power supply could reduce generating costs almost $300 million a year from the outset, increasing with demand, which has been doubling every 10 years.

He estimates that $3 billion could be saved in the next 17 years from reduction of reserve capacity alone, made possible by interchanges among systems.

These revolutionary economies are opened up by technological improvements that are increasing the range of economical power transmission from the 200 miles of the past to 1,000 miles or more, through employment of extra-high voltage without excessive loss in transit.

Transmission range has been the bottleneck to increasing the size of generating units with a corresponding decrease in costs of production of electricity. Power produced from a 50,000-kilowatt unit costs 30 percent more than power produced from a 500,000-kilowatt unit. Long-distance transmission also reduces unit costs.

The United States is probably the only industrial nation in the world with no national coordination of its power supply system, Swidler said. An FPC survey showed that in 1961 the average generating unit in this count·y was only 37,000-kilowatts. Million-kilowatt units are now in prospect.

Udall declared, "I am optimistic enough to believe that in the years ahead more of the private utilities will choose the mutual gains of cooperation over the waste to themselves and the Nation that results from blind opposition."

"There may be some," he said, "who would rather cling to the old trenches and the old

slogans—but if enough are willing to try, the Chinese wall that separates public and private power will be pierced with interconnecting transmission lines, and America will be the stronger for it."

Swidler has pointed out that "the Nation has a paramount interest in a low-cost energy base because it is a decisive factor in economic growth.

"The benefit of size and diversity cannot be realized," he said, when each group not only plans alone but plans against other industry segments.

"This fight has been carried beyond reasonable lengths; it is becoming an increasing burden upon the industry as a business and as a public servant. Its cost to the Nation is one that we cannot easily afford."

There are 3,600 separate electric power enterprises in this country. Four hundred of them are private, 1,000 are cooperative and 2,200 are public. The 400 private companies represent by far the largest segment by every measure: 74 percent of the investment, 76 percent of the generating capacity, 79 percent of the customers, and 82 percent of the revenues.

Swidler believes that national guidelines are necessary to enable them to fit their plans into nationwide perspective. FPC is seeking to provide those guidelines in a National Power Survey to be completed in April, the second in the history of the United States and the first since 1935.

Even more immediate than the question of how to bring about joint use of super-voltage lines yet to be built is the question of how to bring about joint use of conventional transmission lines already in existence.

There is general agreement that joint use is most feasible when lines are planned for it. Some argue, as does Swidler, that it is not feasible without planning, that what may appear to be surplus capacity at one time of the day or one season of the year may be in full use at other hours or seasons.

In any event, so this argument goes, the cost factor prevents companies from building transmission lines at capacities larger than those they will be growing into within the next few years. Nevertheless, surplus capacity exists and relatively little is being done to promote maximum interchangeability of surplus among private, public, and cooperative transmission systems.

Swidler opposes compelling joint use of existing or future transmission lines. He believes that the Commission can require power companies to sell power to cooperatives and municipal distribution systems at fair wholesale rates, and invites applications for action to this effect.

"But that is a different thing from asking the companies to wheel Reclamation Bureau power," he said. "The problem is greatly complicated there by the preference clause," a mandate of Congress giving cooperatives, municipals, and other nonprofit agencies first call on Government-produced electric power.

"This is the nubbin of it," Swidler commented. "You're asking a company perhaps to commit suicide by taking power to preference cu tomers to serve a load now served by the company itself. It would be improper to order Reclamation Bureau power on private lines."

In an attempt to establish national policy over at least some transmission lines yet to be built, the Departments of Interior and Agriculture, against the opposition of FPC, adopted regulations last March governing grants of rights-of-way for extra-high-voltage transmission lines to be built across Government lands.

Under these regulations, rights-of-way would be denied if the Secretary of the Interior deemed the proposed transmission lines "in conflict with the power marketing program of the United States."

If rights-of-way were granted, the Interior Department would determine what part of the line's capacity was to be considered surplus—that is, in excess of the capacity required for the company's own use—and require that the surplus capacity be made available to the Government for transmission of its power over the entire line.

If the Department considered the surplus capacity insufficient to provide for its transmission requirements in addition to those of the company, it could increase the capacity of the line at its own expense.

These regulations probably would affect most new transmission lines in 11 Western States where the Bureau of Reclamation principally operates, for nearly half the acreage in those States belongs to the Government. The Interior Department administers national parks, national monuments and public lands other than national forests, which are administered by the Department of Agriculture.

Swidler opposes these regulations on the grounds that they infringe on FPC's powers, make one of the parties in the dispute (the Department of Interior) the referee, and do not apply to transmission lines other than those of power companies.

He fears "the inevitable result of their adoption would be attempts by non-Federal public utilities to avoid any use of public lands, even where this involves extensive detours at the expense of the consuming public, and, where this is not possible, delays in planning and constructing needed new lines."

Whether the regulations will prove enforceable cannot be known until they are invoked in a specific application for a grant of rights-of-way.

On a broader scale, a similar objective is being sought by legislation. Bills requiring FPC certification of power company transmission lines of more than 230,000 volts capacity and operating in interstate commerce have been offered in Congress by Senator CLAIR ENGLE and Representative JOHN MOSS, California Democrats. The 230,000-volt capacity is generally considered the demarcation between conventional and extra-high-voltage transmission.

The Department of Interior supports the Moss-Engle bill, FPC declares acceptance of it in principle but wants it redrawn along lines on which the Commission has not yet been able to agree.

Swidler said, "It is not yet in satisfactory form to carry out the purpose of coordinated use of power resources on fair terms."

FPC Commissioner Charles R. Ross said the bill should apply not to power companies alone but to "all utilities, Federal, public, and private."

"Otherwise," he said, "I cannot see how we can prevent duplication of facilities."

Swidler suggested that the bill be redrawn so as to "minimize the risk of regulatory delays which could impair the ability of the utilities to serve their customers."

Extended delays in obtaining approval would "discourage the industry from building such lines," he said. "Plants would be located near loads, as in the past, where no long transmission lines were needed, even if this meant added costs and higher rates than would otherwise be necessary."

The stakes involved in a coordinated power production and transmission gridwork for the United States are described in a fact sheet of Congressional Quarterly, the privately operated reference service on Congress, as regional, national, and international.

"Industrial growth nationally and regionally is a major objective," it reports. "This could have profound effect on the Nation in international trade, in spurring the national economy, and regional growth."

"Groups of administration leaders and power experts who have inspected European power systems in recent years have been impressed with technological advances in Sweden, Russia, and Western Europe in developing large-scale generating units and transmission systems. Through interconnections, the Western European power system is tied into the power pool of the Eastern European countries, which, in turn, is tied into the Russian grid which spans both European Russia and Siberia.

"Unless our system is coordinated and made more efficient, American power experts fear that this country cannot compete successfully in years ahead with the Common Market countries of Western Europe which are tied into the European power grid.

"A national power grid would spur development of presently untouched national resources, such as the lower-grade fuels and mineral deposits which cannot be presently exploited because of high costs," Swidler has said. "Finally a national grid would tend to make power costs more uniform throughout the country and would stabilize regional economies.

"For a number of reasons, there has been an unmistakable trend in recent years toward the development of two grid systems in the country, one publicly owned, one privately owned.

"The economies of power pooling can be obtained only by area and regional pooling and interconnections, not by two separate ownership grids."

"What could be more wasteful for our economy than two competing transmission grids?" FPC Commissioner Charles R. Ross has asked.

AFL–CIO SUPPORTS EDUCATION—CALLS FOR PASSAGE OF GI BILL

Mr. YARBOROUGH. Mr. President, I am pleased to call to the attention of the Senate today an important document, the statement on education adopted by the AFL–CIO executive council at its meeting on February 20.

This statement is a challenge to Congress to finish the job it has started of providing a truly excellent education system in all corners of the United States. The statement recognizes our accomplishments of the last session:

In its 1963 session the 88th Congress passed substantial parts of the Kennedy education program and it was deservedly described by President Johnson as "the Educational Congress of 1963."

In its listing of the remaining needed education legislation, the AFL–CIO executive council gives special attention to the needs that can only be met by enactment of S. 5, the cold war GI bill, now pending on the Senate Calendar. The statement says:

There is also special merit to the "cold war GI education bill" introduced by Senator YARBOROUGH. The AFL–CIO has long supported this legislation which would provide veterans of the cold war educational opportunities similar to those given veterans of World War II and the Korean war.

I call to the attention of my colleagues this additional evidence of the widespread support for S. 5. We can begin to meet the challenges posed by the needs of education by passing the cold war GI bill this session. I ask unanimous consent that the letter of February 24 and the text of the education statement by the executive council of the AFL–CIO be printed at this point in the RECORD.

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

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., February 24, 1964.

Hon. RALPH W. YARBOROUGH,
Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR: The executive council of the AFL–CIO adopted unanimously at its current meeting a policy resolution dealing with the problems of American education.

In part the resolution points out that "the 88th Congress * * * was deservedly described by President Johnson as 'the educational Congress of 1963.'"

However, many education problems still remain to be resolved. The enclosed resolution, we believe, offers a program which if enacted by the Congress would help substantially to meet the educational needs of our Nation.

Sincerely yours,
ANDREW J. BIEMILLER,
Director, Department of Legislation.

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON EDUCATION, BAL HARBOUR, FLA., FEBRUARY 20, 1964

Early in 1963, President Kennedy, in a special message to Congress, proposed an "omnibus" Federal aid to education bill. The bill would have drawn together in a single piece of legislation solutions for a wide range of educational problems. The AFL–CIO said at the time that by bringing the problems of elementary and secondary education, higher education, and adult education within the scope of a single piece of legislation, the President had usefully focused attention upon the interrelationship between separate educational problems. Whether the problems were to be approached through a single bill or through a series of bills was less important than that they be approached and solved.

In its 1963 session the 88th Congress passed substantial parts of the Kennedy education program and it was deservedly described by President Johnson as "the educational Congress of 1963." Apart from the specific importance of the separate bills passed by Congress the legislation taken together constitutes a new national commitment to education. Once and for all it has been established that the Federal Government is permanently concerned with the solution of the problems of education.

There are many education problems which still remain to be taken care of. These problems are every bit as urgent as those dealt with in the educational bills already passed.

Nothing substantial has yet been done to meet the problems of elementary and secondary education. Overcrowded classrooms, poorly paid professional and operating staffs, and obsolete facilities continue to plague our schools. A comprehensive program of Federal assistance to elementary and secondary education, including aid for both classroom construction and for improving teachers' salaries, remains one of our greatest educational needs. In a nation of rich and poor States, only the Federal Government can insure that every child will have equal opportunity to an adequate education. The problem of aid to nonpublic schools continues to stalemate Federal aid legislation, and we again urge, as we did at our 1963 convention, that we seek a solution to this problem through the expansion of National Defense Education Act assistance to nonpublic schools. Such an expanded program might well include more subjects than those presently covered and grants for classroom construction could be added to the equipping of teaching facilities presently covered by the act.

The AFL–CIO has long urged the development of special Federal programs to deal with education in the large city slums and in the many rural areas where poverty goes hand in hand with poor educational opportunity. We are heartened by the growing national concern with poverty and with its relationship to inadequate education. Poor communities are unable to provide good schools for their children and new generations of badly educated young people face a future of poverty and unemployment. The Federal Government must break this cycle by providing special aid to education in low income areas. We can no longer deal with these problems halfheartedly, and on a piecemeal basis. The Federal Government must finance massive support for educational programs aimed at both the causes and effects of poverty. If we do this we can eliminate adult illiteracy, and we can provide the kinds of special assistance which will overcome cultural disadvantage and motivate children and adults alike to an enthusiasm for education. This is the most important long-range program for the elimination of school dropouts, and the resulting problems of young people who are out of school, yet unqualified to work even when jobs are available.

The Higher Education Facilities Act of 1963 will do much to ease the problems of higher education, but it will do little to help students and their families meet mounting college tuition and living costs. There is need for comprehensive student aid to assist low and moderate income young people obtain higher education.

The expansion of the NDEA student loans is a start in this direction. This should be supplemented by Federal insurance for private low interest student loans. Even more important is the establishment of a large-scale student work program similar to the NYA of depression days. The AFL–CIO has long supported a system of Federal scholarships which would provide payments to the colleges and universities as well as the students. We urge that these be set up on a State and congressional district basis to provide the widest possible opportunities. There is also special merit to the "cold war GI education bill" introduced by Senator YARBOROUGH. The AFL–CIO has long supported this legislation which would provide veterans of the cold war educational opportunities similar to those given veterans of World War II and the Korean war.

At its 1963 convention the AFL–CIO urged the extension of the principle of universal free public education through at least the 14th year and the raising of the compulsory school age to 18. The Higher Education Facilities Act of 1963, with its special provisions for aid to public junior colleges, gives every State an opportunity to act in the direction of making this goal a reality. We reiterate our support of the principle of free public education through the junior college level and of comprehensive aid for students in all areas of higher education.

FACTS ON OUR MISSILES

Mr. HARTKE. Mr. President, charges of missile unreliability have been made in the press. These charges can be and should be refuted.

One of the most compact statements on this subject was made recently in the Kiplinger Washington Letter. I ask unanimous consent to have printed in the RECORD the text of the Kiplinger statement, based on facts which are described as obtained from "the best authorities." I believe the statement will shed some light, rather than heat, on what has come to be a controversy in this field.

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

The missile row; is it phony? Pumped up just for politics?

Is GOLDWATER kidding when he says missiles can't be trusted to get through for knockout of the enemy? What is the real truth?

We've gone to the best authorities and put it up to them. Here, without bias or prejudice, are what we believe to be the facts.

No missile is 100-percent reliable—won't always go right when fired. Nothing mechanical ever is. So there is an element of uncertainty.

That's why we're building so many—to be able to launch plenty if they're ever needed, thus overcoming the risk of numerous failures.

So there's the answer. Makes GOLDWATER right, technically, but wrong if he gives you the impression our defenses are unreliable.

We have about 600 missiles ready to fire right now, in silos sunk deep in the ground around the country, and aboard Polaris subs. They're solid fueled, need no long countdowns as at Cape Kennedy. Those in the ground are preset to hit Russian targets, ready to go. Subs have their own set of Red targets and could fire in jigtime.

Before long, we will have about 800 missiles in the ground.

And 600 more, ready to fire, on 41 subs ranging across the seas. Thus, if less than half of these landed near the target—obliteration.

Now add in the bombers that are always in the air to protect us, armed with A- and H-bombs, capable of hitting Russia on moments' notice. These are in addition to the missiles. They are extra muscle.

Net, on balance: We are the heftiest nation on earth.

PROPOSAL TO MAKE SECTION 3 OF THE ROBINSON-PATMAN ACT A PART OF THE ANTITRUST LAWS

Mr. HUMPHREY. Mr. President, recently the Antitrust and Monopoly Subcommittee of the Senate Judiciary Committee held hearings on S. 1815 and S. 1935, the bills to make section 3 of the Robinson-Patman Act part of the antitrust laws. I would like to call to the attention of the Senate two of the statements presented to the committee.

One of the statements is from Mr. Lynn C. Paulson, executive vice president and general counsel of the National Independent Dairies Association. In Mr. Paulson's statement, he points out that enactment of these two pieces of legislation is needed in order to preserve our free competitive system. Included in the statement are several important examples of unreasonably low prices and price discrimination. Mr. Paulson closes out his statement by urging the adoption of the two bills.

The other statement I should like to bring to the attention of the Senate is that of Mr. Philip F. Jehle, the Washington representative and associate general counsel of the National Association of Retail Druggists. Mr. Jehle, in urging adoption of the two bills, states that:

Congressional adoption of such legislation would make available to both the Federal Government and to private parties a most formidable weapon for curbing monopolistic pricing practices.

Mr. President, because of the pertinence of these two statements to S. 1815

and S. 1935, I ask unanimous consent that they may be printed in the RECORD.

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

STATEMENT BY LYNN C. PAULSON, EXECUTIVE VICE PRESIDENT AND GENERAL COUNSEL, NATIONAL INDEPENDENT DAIRIES ASSOCIATION, IN SUPPORT OF S. 1815

Mr. Chairman, and members of the committee, students of our society have observed that the genius of the common law is in the meeting of common problems through procedures of private rather than public enforcement. With statutory law it is no different. Only with private enforcement can most civil law be made fully effective. S. 1815 and S. 1935 recognize this principle. They provide for private enforcement of section 3 of the Robinson-Patman Act. In addition they provide for civil enforcement by FTC and the Department of Justice of this important antitrust provision.

That Congress realized the importance of private enforcement of antitrust laws is evidenced by its having made provision for private enforcement in those laws now recognized as the antitrust laws. These laws are defined in section 1 of the Clayton Act. In section 4 of the Clayton Act it is provided that any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws, may sue therefor in any district court for threefold the damages sustained. In section 5 of the Clayton Act it is provided that proceedings by or on behalf of the United States under the antitrust laws shall be available as prima facie evidence in a private suit and in section 16 it is provided that private parties may seek injunctions for violations of the laws. These provisions make the antitrust laws effective and they are not now applicable to section 3 of the Robinson-Patman Act. Judge Feinberg on the bench for the southern district of New York, recently took note of public policy toward private enforcement of antitrust law. He did so in a treble-damage case growing out of the now famous General Electric price-fixing case, Judge Feinberg said:

"Finally, the most significant consideration is the strong policy in favor of private treble-damage actions, which are intended not only to compensate those injured by violations of the antitrust laws, but also to function as an independent method of enforcing antitrust policy. The Supreme Court has noted, in *United States* v. *Borden Co.* (1954 CCH 67, 754), 347 U.S. 514, 518 (1954):

" 'The private-injunction action, like the treble-damage action under S. 4 of the act, supplements Government enforcement of the antitrust laws; * * * These private and public actions were designed to be cumulative, not mutually exclusive.' "

In such a vast country as this, it is unrealistic to think that the Department of Justice and the FTC can protect every market area from antitrust law infractions. At most they can only be expected to bring enough cases to provide ruling case law. Public enforcement must be supplemented by private enforcement if the public policy expressed in the antitrust laws is to be effectuated.

S. 1815 and S. 1935 make section 3 of the Robinson-Patman Act an antitrust statute and thereby provide individual citizens the same rights to sue for treble damages and injunctions for infractions of section 3 as they now have for violations of the Clayton and Sherman Acts. They also put section 3 on a par with these acts as to the use of final judgments as prima facie evidence in treble damage actions. Section 3, at present, is a criminal statute enforceable only by the Department of Justice in criminal proceedings by way of grand jury investigations and criminal process.

Before proceeding further, I think it might be well to review with the committee section 3 of the Robinson-Patman Act. What does it provide? What does it add to antitrust law? In other words, why is it important to the preservation of our free competitive system?

Section 3 of the Robinson-Patman Act reads as follows:

"SEC. 3. It shall be unlawful for any person engaged in commerce, in the course of such commerce, to be a party to, or assist in, any transaction of sale, or contract to sell, which discriminates to his knowledge against competitors of the purchaser, in that, any discount, rebate, allowance, or advertising service charge is granted to the purchaser over and above any discount, rebate, allowance, or advertising service charge available at the time of such transaction to said competitors in respect of a sale of goods of like grade, quality, and quantity; to sell, or contract to sell, goods in any part of the United States at prices lower than those exacted by said person elsewhere in the United States for the purpose of destroying competition, or eliminating a competitor in such part of the United States; or, to sell, or contract to sell, goods at unreasonably low prices for the purpose of destroying competition or eliminating a competitor.

"Any person violating any of the provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than one year, or both."

There are three separate provisions. The first provision prohibits price discrimination between customers of the seller by discounts, rebates, allowances or advertising service charges. The second prohibits selling goods in any part of the United States at prices lower than those exacted elsewhere in the United States. The third prohibits selling goods at unreasonably low prices. The latter two provisions apply only when done with an intent to destroy competition or injure a competitor. The first is written as an unqualified prohibition. There are no express exceptions, no provisos. Price discrimination of the kind described is outlawed under any and all circumstances.

A word about the two Senate bills before the committee may also be appropriate. They differ only as to the method of accomplishing the same objective. Both make section 3 an antitrust statute. S. 1815 does it by keying section 3 into each appropriate section of the Clayton Act. S. 1935 does it by incorporating section 3 into the Clayton Act as numbered paragraph.

Section 3 of the Robinson-Patman Act began as two Senate bills, one introduced by Senator Borah, of Idaho, and the other by Senator Van Nuys, of Indiana. These were consolidated into the Borah-Van Nuys bill. The issue in Congress at the time was the growth of chainstores. Unjustified concessions to chainstores by sellers and sporadically low prices by them at retail were known to be prime causes of their growth. Prohibition of unfair pricing became the objective. The House's effort resulted in the amendment of section 2 of the Clayton Act, the Senate's, in the passage of section 3 of the Robinson-Patman Act.

The price discrimination problem was not new to Congress in 1935 for it was dealt with as to railroads in the Interstate Commerce Act as early as 1889. During the trials of the Standard Oil and other trust cases between 1900 and 1914, it became certain that unfair pricing was a prime cause of monopoly. The Clayton Act, passed in 1914, contained an attempt at prohibiting price discrimination between purchasers of goods in commerce. Proof that the use of other unfair methods of competition also contributed strongly toward monopoly led to the enactment of the FTC Act.

Section 2 of the Clayton Act as drawn in 1914 proved to be inadequate. The limiting provisos which it contained proved difficult of interpretation. Chainstores and other forms of multiplant interstate operations continued to grow and local business to disappear so that the matter of concentration and monopoly was again before Congress in the middle thirties.

In the 70th Congress, 1st session, a Senate resolution was passed calling upon the FTC to study the growth of chainstores. Its final report was submitted to Congress on December 14, 1934. In this final report, FTC arrived at several important conclusions with regard to the growth of chainstores and the effect unfair pricing by sellers to chainstores and by chainstores in reselling at retail had upon that growth. The FTC found that unfair pricing was a highly significant factor. For example, it found that:

"The ability of chainstores to vary prices among their different branches and thus to average their profit results is one of their chief advantages over independents. In other words, it is one of the chief elements in the growth of chainstore systems to their present dimensions and there is no ground for expecting a different effect upon their future growth" (pp. 50–51).

and that:

"It can be said, however, that lower selling prices are a very substantial, if not the chief, factor in the growth of chainstore merchandising, and that lower buying prices than are available to independents are a most substantial, if not the chief, factor in these lower selling prices. These lower buying prices frequently take the form of special concessions. Many times the result is to give the chain lower prices than the wholesaler" (p. 53).

The Commission analyzed the effect section 2 of the Clayton Act had on unfair pricing and said:

"Section 2 of the Clayton Act forbids discrimination in price where the effect 'may be to substantially lessen competition or tend to create a monopoly in any line of commerce.' Variation in price between different branches of a chain would seem to be a discrimination, the effect of which 'may be' to produce the forbidden results. It is one thing, however. to reach such a broad conclusion on the results of this practice by chains in general and quite another to prevent by legal means its use by some particular chain. The reason is that the Clayton Act itself specifically permits price discrimination 'in the same or different communities made in good faith to meet competition.' The Commission has no evidence which would establish that price discrimination by chainstores has not been in good faith to meet competition and there is good ground to conclude that in many cases it has been for that purpose." (p. 51.)

The findings of the Commission add up to a clear conclusion that chainstores lived by price concessions and unfair retail pricing despite old section 2.

Without fear of contradiction I can say there has been little change since it was amended by section 1 of the Robinson-Patman Act. FTC still finds no way to reach harmful area price discrimination, sales below cost, "leaders," and sales at unreasonably low prices. The employment of these methods of competition by chainstores and others still distort the posture of our economy by prejudicing independent business. Section 3 specifically prohibits area price discrimination and it prohibits sales at unreasonably low prices which embraces sales below cost, the use of "leaders" and other such practices. Providing for private relief will go a long way toward making this law effective. Specifically providing for FTC enforcement and civil enforcement by the Department of Justice may encourage action by these agencies.

Parenthetically, I would like to suggest to the committee the advisability of asking FTC categorically what cases they have brought against area price discrimination and with what results, and also what complaints they have issued to effectuate the public policy expressed in section 3 as to sales at unreasonably low prices.

States have made progress in stopping price discrimination between localities within a State but the Federal Government has made little or none with regard to discrimination between areas or with regard to selling at unreasonably low prices. Multiplant companies are allowed to sell out of one plant at a high rate of profit and out of another at a loss or low rate of profit, and companies are permitted to use "leaders" and special prices to divert trade at will. Local enterprises are at a great disadvantage for no legitimate reason but only for want of law enforcement in these areas.

After studying the pricing problem in depth, FTC made its recommendations for correction and it is interesting to observe that the approach to the problem taken in section 3 is much closer to what the Commission recommended in 1934 than the approach taken in section 2 of the Clayton Act with its defenses and provisos. The Commission recommended as follows:

"In the discussion of the legal status of special prices to chain stores by manufacturers (chap. IV, sec. 4) the uncertainties and difficulties of enforcing section 2 of the Clayton Act were pointed out at some length. The conclusion was reached that most of these uncertainties and difficulties grew out of the various provisos which narrowed the scope of the original prohibition to an indeterminate degree. A simple solution for the uncertainties and difficulties of enforcement would be to prohibit unfair and unjust discrimination in price and leave it to the enforcement agency, subject to review by the courts, to apply that principle to particular cases and situations. The soundness of and extent to which the present provisos would constitute valid defenses would thus become a judicial and not a legislative matter.

"The Commission therefore recommends that section 2 of the Clayton Act be amended to read as follows:

" 'It shall be unlawful for any person engaged in commerce, in any transaction in or affecting such commerce, either directly or indirectly to discriminate unfairly or unjustly in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States or any territory thereof or the District of Columbia, or any insular possession or other place under the jurisdiction of the United States.' " (Pp. 96, 97.)

Antiprice discrimination legislation is aimed at unfair pricing. Even perfect antiprice discrimination legislation would not solve the unfair pricing problem for price discrimination is only a part of unfair pricing. Selling at unreasonably low prices is another part and Congress recognized this when it enacted section 3 of the Robinson-Patman Act. Section 3 is the law of the land. The problem now is simply to make it effective.

That Congress had in mind such practices as the use of "leaders" when it enacted section 3 is quite clear from the legislative history of the Robinson-Patman Act. The Federal Trade Commission's 1934 report was relied upon by both the House and the Senate. It dealt at some length with the subject of "leaders." "Leaders" and area price discrimination were favorite tools of the chain stores to gain market position.

Respecting the use of "leaders" and their contribution to the growth of concentration the Commission said:

"An important aspect of chain store price policy is the frequent use of 'leaders' consisting of specially low-selling prices on particular items. A large part of the prevalent public belief that chainstore prices are lower than those of independents has its root in that policy.

"According to chainstore officials, there are apparently four purposes for which leaders are used. These purposes are pithily summarized in the following statement of the president of a grocery and meat chain which operates several hundred stores:

" 'The extent to which prices are cut depends on competition, the necessity of introducing a commodity, the need for moving a line of goods, and the desire to bring customers into the store.' " (Pp. 38, 39.)

The Commission carefully described the mechanics of using loss leaders and took cognizance of the fact that they were not necessarily priced below cost. It said:

"Leaders are divisible into two general classes, those which are sold at less than the usual price but which still carry a profit and those which are sold at a loss. The term 'loss leader', however, is rather loosely used among chainstores. It is clearly applicable to goods sold at less than net purchase cost. Its applicability to goods sold below net purchase cost plus average cost of doing business is not so clear, especially if the average be other than that of the particular chain making the sale. The cost of doing business by a given chain may differ substantially from the average cost of all chains or from the average cost of all retailers. Any chain's cost of selling a given line of goods may likewise differ substantially from its average cost of selling all goods or differences in turnover may affect such differences. To apply the term 'loss leader' to sales made at less than the usual markup or replacement cost is wholly fallacious. Yet all these things are comprehended in the term 'loss leader' as used in various lines of chainstore distribution." (Pp. 39, 40.)

Loss leaders have been branded a destructive means of competition by the U.S. Supreme Court. In *Safeway Stores, Inc.* v. *Oklahoma Retail Grocers Association, Inc.*, et al. (360 U.S. 334), the Court said:

"The selling of selected goods at a loss in order to lure customers into the store is deemed not only a destructive means of competition, but it also plays on the gullibility of customers by leading them to expect what generally was not true, namely, that a store which offered such an amazing bargain was full of other such bargains."

Between 1936 and 1962, section 3 of the Robinson-Patman Act was pretty much left on the shelf by the Department of Justice for reasons best known to the Department but private litigants had kept transgressors aware of it until the Nashville decision. There were several important private cases litigated. *Moore* v. *Mead's Fine Bread Co.*, 348 U.S. 115 (1954) was one of them. After the Nashville decision barring private relief, matters became worse for the independents and following some urging by members of NIDA and the House Small Business Committee, the Department of Justice brought an action under section 3 against the National Dairy Products Corp. charging sales at unreasonably low prices. National Dairies contended the act was unconstitutional for vagueness and the case was sent to the Supreme Court. A decision was rendered last February holding the act was not too vague and was constitutional. This decision has focused attention upon section 3 and particularly upon the prohibitions which it contains not specifically asserted elsewhere in antimonopoly laws.

Despite the Supreme Court's decision, FTC and the Department of Justice seem not disposed to be too active in the enforcement of section 3 provisions. Neither agency has issued any complaints since the decision based upon its provisions. The fact that section 3 is a criminal statute may account for the inactivity of the Department of Justice. There is no apparent reason why FTC has not acted for it can issue complaints upon its own motion using the public policy expressed in section 3 as a foundation. FTC seems to be shy of section 3 for during the entire life of section 3, now 28 years, FTC has not seen fit to base a complaint upon it. It has in fact been ignored by FTC as a statement of antimonopoly law. With FTC ignoring the law and the Department of Justice having to bring criminal enforcement proceedings, the will of Congress as expressed in section 3 is not being carried out. Sales at unreasonably low prices and area price discriminations are outlawed as a matter of law but not as a matter of fact.

Sales at unreasonably low prices in the dairy industry occur regularly and multiplant companies regularly practice area price discrimination. This advertisement by the Kroger Co. in Galesburg, Ill., last week illustrates what takes place. Kroger advertised milk in plastic cartons at 39 cents per gallon. It costs at least 60 cents to put a gallon of milk on the market in plastic containers and probably 65 cents. Kroger serves Galesburg, Ill., out of its plant in Indianapolis, Ind., so there were transportation costs involved. Obviously Kroger was selling in Galesburg below cost and obviously Kroger was not doing that in all trade areas served by its Indianapolis plant. The pattern is one of "leader" pricing. Sales are being made at unreasonably low prices to invade markets. Perhaps Kroger can point to some local sales being made at corresponding prices when confronted with area price discrimination. No one yet knows what the good faith defense includes but it is quite certain that Kroger could not deny that, on balance, it was seeking to destroy competition and eliminate competitors by its actions in the Galesburg and other markets.

Section 3 will provide another approach to the problem of different prices in different markets by a multiplant company. The section 2 approach has not proved adequate. After 28 years only predatory discriminations are being reached. Private enforcement of section 3, where the test of the use of unreasonably low prices is one of whether or not they are being used to destroy competition or eliminate a competitor, will demonstrate that it reaches innumerable situations which are exempt from section 2. The very fact that section 2 is limited to discriminations and that section 3 is not, is important. The test of injury under section 3 is more of injury to public policy than to particular competitors. Having to find intent in terms of price discrimination is more difficult than to have to find it from "leaders" and other unreasonably low prices where the whole pattern of a company's price behavior can be considered.

In the recent *Dean Milk* case (docket 8032) the hearing examiner could find predatory pricing and hence a violation of section 2 for the evidence showed that the Dean Milk Co. led prices downward in the marketing areas in question and had no excuse for doing so, hence, no good-faith defense. If there had been some kind of an excuse provided by someone, we don't know what the decision would have been. Yet the local competitors would have been just as badly injured. In an action brought within the concept of *Moore* v. *Mead's Fine Bread* (348 U.S. 115, 1954) where section 2 and section 3 were considered jointly (or in an action brought under section 3 alone) the suit would have prevailed regardless of some excuses having been provided. The pattern of behaviors by Dean showing intent to injure competitors was there. So it is in many cases where multiplant companies juggle their prices from area to area and reduce them to unreasonably low levels. The pattern of aggression showing intent to destroy competition or eliminate a competitor is there which makes section 3 applicable even though there is some competition to meet.

Sales at unreasonably low prices and area price discrimination are forms of competition which only the very large can practice. Independents operating in a single trade territory are automatically eliminated from use of these weapons. They are powerful weapons and that Congress intended to eliminate their use is clearly decided by the Supreme Court in *Moore* v. *Mead's Fine Bread*. This case needs more attention than it is getting for it recognizes the hard facts of competition between the big and the little. Big companies can put in a low price in one or more areas because they can draw sustaining revenues from their other operations. Such lower prices are not a reflection of efficiency or savings in any way. They are strictly a means of diverting business.

Moore sued Mead's Fine Bread under 2(a) and section 3 and one of the significant facets of this decision is that the Supreme Court considered the two statutes together, finding in them a common purpose and objective. Interestingly enough it did not so much as mention the good faith defense in section 2(a). It found an intent to eliminate a local competitor on the part of a multiplant company which had greater power and that was sufficient. The fact that the local competitor had first reduced prices to preserve trade was overlooked. The only logical explanation for this clear-cut appraisal of congressional intent is that the action was brought under section 3 and section 2 together and not just under section 2.

Injury to a local independent from a competitor's pricing flows from prices that are abnormal by reason of being discriminatory or unreasonably low. If the law stops with prohibiting prices that are discriminatory, what is the indepedent to do who is faced with nondiscriminatory unreasonably low prices in his market put there by an interstate competitor? He cannot meet these prices for long without destroying his working capital and exhausting his credit. Is he to be left to expire through a forced sale or bankruptcy or to be so seriously crippled as not to be able to modernize, hence to expire gradually? Or should he be given the benefit of a public policy against the growth of monopoly that the Congress of 1936 established by passing section 3? Why should the FTC and Department of Justice have the exclusive determination of when and what cases should be brought under section 3 anymore than under the other antimonopoly laws? Those who have to fight the battles in the marketplace should have the opportunity to avail themselves of the Nation's laws. This is a government of laws, not of men, and it will be wise to keep it that way. As stated at the outset, the public policy of this Nation looks with favor upon private enforcement.

The record is plain. For section 3 provisions to be effective, there will have to be private enforcement. Senator SPARKMAN, in introducing S. 1935, wisely observed:

"Mr. President, section 3 of the Robinson-Patman Act is potentially one of the strongest weapons available to small businessmen in their struggle for survival. The section has never attained its full potential, however, because it is a criminal statute and therefore outside the jurisdiction of the Federal Trade Commission, and because under the Safeway and Carnation decisions, it has not been available to private antitrust litigants. The section has been given a new importance by the recent decision of the Supreme Court in *United States* v. *National Dairy Corp.* (372 U.S. 29), which has affirmed its constitutionality. I, therefore, earnestly hope that this Congress will enact the bill I am introducing today in order to remove the last obstacle to the full development of the utility of this section by giving it the status of a section of the Clayton Act."

The four dissenting Justices in the Nashville case were able to cite some very reliable authority for their position. Among others they quoted Congressman CELLER. In reciting the legislative history of section 3, the dissenting Justices said:

"While those who favored the bill assumed that section 3 allowed treble damages, those opposed rallied against it on that ground. Section 3 derived from an amendment offered by Senators Borah and Van Nuys and it was to it that the fire was directed. 80 CONGRESSIONAL RECORD, 9420.

" 'Mr. HANCOCK of New York. If a vendor is found guilty of discrimination as provided in this bill, is he subject to the aggrieved party for damages or has he committed a crime and subjected himself to penalty?'

" 'Mr. CELLER. If he violates the Borah-Van Nuys provision or the other provision of the bill he is subject to penalties of a criminal nature and has committed an offense.'

" 'Mr. HANCOCK of New York. Would he also be liable for triple damages?'

" 'Mr. CELLER. And he would also have to respond in triple damages under the provisions of the Clayton act. Anyone aggrieved can sue.' " (1958 CCH Trade Cases, p. 73,669.)

This dissent makes it very clear that it may well have been the intent of Congress to make section 3 an antitrust statute when it enacted it in 1936. That is all the more reason for doing so now. As Senator HUMPHREY said when he introduced S. 1815, delay in providing independent business with the full protection of existing antimonopoly law "means the elimination of more locally owned and operated enterprises."

It is very encouraging to the members of NIDA that you are holding these hearings and I sincerely hope you will report out a bill in time for its enactment this session.

Thank you for your attention.

STATEMENT OF PHILIP F. JEHLE, WASHINGTON REPRESENTATIVE AND ASSOCIATE GENERAL COUNSEL OF THE NATIONAL ASSOCIATION OF RETAIL DRUGGISTS BEFORE THE ANTITRUST AND MONOPOLY SUBCOMMITTEE SENATE JUDICIARY COMMITTEE, FEBRUARY 21, 1964

Mr. Chairman, my name is Philip Jehle, and I am the Washington representative and associate general counsel of the National Association of Retail Druggists.

As you know, the NARD is a small business organization having a nationwide membership of more than 36,000 independent drugstore owners. The NARD speaks for these family pharmacists on all legislative matters affecting their professional and economic interests.

Over the years, the NARD has written an enviable record of promoting free competition of freemen in free markets and opposing business practices having monopolistic tendencies. We have wholeheartedly supported every move to strengthen our antitrust laws and just as stoutly resisted all attempts to weaken antitrust protection.

A matter of particular pride is that the NARD has been in the forefront of the successful legislative battles to enact such important antitrust legislation as the Robinson-Patman Act, the Miller-Tydings Act, and the McGuire Act. More recently, the NARD has provided a powerful assist in getting enacted into law the Kefauver-Celler antimerger amendment of 1950 and, in 1959, the proposal of Senators Sparkman and Kefauver making Clayton Act cease and desist orders final by lapse of time, unless appealed.

As suggested by its history of supporting all meritorious antitrust legislation, the NARD does subscribe in principle and purpose to S. 1815 and S. 1935, introduced by Senators HUBERT HUMPHREY and JOHN SPARKMAN, respectively. In our view, congressional adoption of such legislation would make available to both the Federal Government and to private parties a most formidable weapon for curbing monopolistic pricing practices.

As you are aware, section 3 of the Robinson-Patman Act defines three separate and distinct offenses. The first of these prohibits sales which discriminate against the competitors of the favored purchaser, the second prohibits geographic price discrimination for the purposes of destroying competition or eliminating a competitor, and the third prohibits the sale of goods at unreasonably low prices for the purpose of destroying competition or eliminating a competitor.[1]

Unfortunately, though, Robinson-Patman, section 3, has always been treated like an unwanted child by the antitrust agencies. The Federal Trade Commission, for example, has completely neglected the law, though in the case of another essentially criminal statute, the Sherman Act, it has at least tried from time to time, and with some success, to reach restraints of trade as unfair methods of competition under section 5 of the Federal Trade Commission Act.[2]

The record of the Department of Justice in enforcing Robinson-Patman, section 3, has been equally disappointing. In the words of the Brownell Committee report, "public enforcement organs" (including the Justice Department and local U.S. attorneys) "have largely forsaken the law."[3] Recourse to section 3 was had only infrequently when "charges preferred by the United States included some allegation of section 3 violations as part of a wider antitrust offense."[4]

In contrast to the studied indifference and occasional hostility on the part of the Government toward Robinson-Patman, section 3, independent businessmen have done their best to see that the law was enforced. What success these private litigants have had has chilled the very bowels of the Nation's biggest predatory merchants.

The fear of some big business elements that Robinson-Patman, section 3, was developing into an effective antitrust weapon was also reflected in the Brownell Committee report which urgently called for the repeal of the statute.[5] When Congress, not unexpectedly, turned a deaf ear to the recommendation, small business victims of antitrust violations were greatly heartened. In fact, in the months thereafter, private antitrust suits in general, and Robinson-Patman, section 3, cases in particular, multiplied.[6] At long last, it appeared that the profit was going to be taken out of antitrust violations.

Then came the Supreme Court decision which makes imperative the enactment of the legislation being considered by this subcommittee. I refer, of course, to the Supreme Court's decision in *Nashville Milk* v. *Carnation Milk Co.*[7] and its companion case, *Safeway Stores* v. *Vance*,[8] that an action by a private party for treble damage redress and injunctive relief under sections 4 and 16 of

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[1] 15 U.S.C. sec. 13a; *Nashville Milk Co.* v. *Carnation Co.*, 78 S. Ct., 352 (1958).

[2] *Federal Trade Commission* v. *Cement Institute*, 333 U.S. 683, 693 (1948). Also report of the Attorney General's National Committee To Study the Antitrust Laws, pages 374, 375 (1955).

[3] Report of the Attorney General's National Committee To Study the Antitrust Laws, page 199 (1955).

[4] Supra.

[5] *Supra* 201.

[6] Testimony by Justice Antitrust Chief Victor Hanson, hearings before a subcommittee of the Senate Small Business Committee on the "Role of Antitrust Enforcement in Protecting Small Business—1958," 85th Cong., 2d sess., p. 122 et seq., 1958.

[7] *Nashville Milk Co.* v. *Carnation Milk Co.*, 78 S.Ct., 352 (1958).

[8] *Safeway Stores* v. *Vance*, 78 S.Ct. 358 (1958).

the Clayton Act does not lie for violation of section 3 of the Robinson-Patman Act.

Splitting 5 to 4, the High Court reached this conclusion by ruling that Robinson-Patman, section 3, was not an amendment to the Clayton Act and, accordingly, was not an antitrust law as defined in section 1 of the Clayton Act, whose sections 4 and 16 authorize private actions for treble damages and injunctions.

In practical effect, the Carnation and Vance cases repealed section 3 of the Robinson-Patman Act. On the one hand, the failure of the Government antitrust agencies to enforce the law continued uncorrected. On the other, antitrust victims were restrained, by a tenuous 5 to 4 judicial opinion, from seeking much needed relief under provisions of the statute. Under the circumstances, predatory and destructive pricing practices such as were evidenced in Carnation and Vance, to cite two of the more depressing examples, continued unabated. We will never know the proportions of the economic toll among small businessmen that has resulted from blocking the enforcement of Robinson-Patman, section 3, but it is enormous.

Our great need now is to revitalize the enforcement of Robinson-Patman, section 3. Toward this end, the bills S. 1815 and S. 1935 have been introduced.

Simply stated, they would reverse the Carnation and Vance cases and thus enable private parties once again to sue for treble damage redress and injunctive relief. These measures would also strengthen the legal procedures available to the Federal Government for enforcing Robinson-Patman, section 3.[9] At the same time, Congress would be reaffirming its long held conviction that private antitrust enforcement has a vital role to play in protecting independent business from anticompetitive practices.

As viewed by American small businessmen, this last point cannot be overemphasized. Antitrust victims—and almost all of them are small firms—should be able to file private suits against their oppressors without waiting for Government assistance. As the Senate Small Business Committee once said it so well:

"The Nation's small businessmen, in the struggle to achieve competitive equality with the giants of industry and commerce, need more than a 'charter of economic freedom.' They need, also, much more than flurries of Federal antitrust activity, conditioned and timed by the doctrinal concepts and subjective attitudes of short-termed antitrust enforcement chiefs. What is needed by small businessmen for full protection is the right to hail into court any competitor who hits below the belt."

Through legislation such as S. 1815 and S. 1935, Congress may provide an effective means of saving the economic lives of many thousands of small businessmen now doomed to failure by predatory and ruinous price-cutting practices.

In closing, I would like to say that the NARD, while endorsing S. 1815 and S. 1935, must warn against such legislation being considered as alternative to S. 774, the quality stabilization bill. Neither the sponsors nor the supporters of the proposed legislation have any such intention. The two types of legislation are complementary, and both are needed.

[9] Apart from the desirability of authorizing private parties to sue for violations of Robinson-Patman, section 3, a number of independent grounds exist for making the section an amendment of the Clayton Act and thus one of the "antitrust laws." These considerations were carefully reviewed by Justice Antitrust Chief Hanson in testimony before a subcommittee of the Senate Small Business Committee on the "Role of Antitrust Enforcement in Protecting Small Business—1958," 85th Congress, 2d session, pp. 135–139.

SUPPORT SMALL BUSINESS

Mr. HUMPHREY. Mr. President, recently Mr. George J. Burger testified before the Senate Subcommittee on Antitrust and Monopoly in support of S. 1935 and S. 1815, legislation relating to section 3 of the Robinson-Patman Act. Mr. Burger represented the National Federation of Independent Business, an organization made up of 194,931 individual members from our 50 States.

Mr. Burger and the federation are continually working to further the success of the country's smaller, independent businesses. I ask unanimous consent that this testimony be included in the RECORD. It is a lucid and concise statement supporting the need for the legislation sponsored by the distinguished Senator from Alabama [Mr. SPARKMAN] and myself along with other Members of the Senate.

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

STATEMENT BY GEORGE J. BURGER BEFORE ANTITRUST AND MONOPOLY SUBCOMMITTEE, SENATE JUDICIARY COMMITTEE, FEBRUARY 20, 1964, ON S. 1815 AND S. 1935

I am George J. Burger, vice president, legislative activities, National Federation of Independent Business. We are a national organization composed solely of smaller, independent business and independent professional people. Our home office is San Mateo, Calif. I am in charge of the Washington, D.C., office.

Presently we have 194,931 individual, directly supporting, and participating members throughout all 50 States. This number is increasing every week. From the standpoint of number of directly supporting and participating members, we are the largest business-professional organization in the country.

Our main function is one of encouraging these independent enterprisers—who are the admitted backbone of our free enterprise system, and who are one of the strong pillars supporting our very liberties—to take a continuing, active, informed interest in Government affairs, State and National, and of providing them with programs to do so in an intelligent, effective manner.

I will not described our method of operation. Most, if not all, the members of this committee have become familiar with the federation over the 20 years of our Washington activities. I will say only that in the federation, members speak directly for themselves—in their statements, officers voice only the opinion of the membership. Through our mandate polls (regular reports on which have been furnished to you) we determine the majority position of the membership. This sets the federation's course. Through our special factfinding surveys ("How's Business With You?" 1962; "Let's Take Care of Our Business—Government," 1963; and "Jobs" 1964) we make it possible for members to tell us, and through us all in Government, the factual basis behind the many problems which are attacked by bills presented for vote in various issues of the mandate.

As it relates to the 1962 survey, "How's Business With You?" of our entire membership, signed reports were received from 56,486 federation members in the 50 States, and to give you a breakdown of the overall competition facing independent retailers 23,720 cited discount house competition, with 18,128 advising discount house competition handled same goods below their cost; 17,512 reported competition with cooperatives, with 8,411 advising cooperatives handled same goods below their cost; 21,286 reported unfair pricing by suppliers, with 7,404 of this group advising of factory store competition, 10,181 reporting competitor price favoritism, and 6,914 reporting unfair promotional allowance competition; 10,444 federation members reported Government competition, with 3,751 advising military PX's; ships stores were responsible for this competition; 9,130 federation members reported import competition, with 5,586 advising they were primarily affected by price and 713 reporting they were affected by style.

Now in 1963 a similar survey, "Let's Take Care of Our Business, Government," was made of our entire membership, with reports coming from 68,167 in all the 50 States, with federation members advising of the action needed to curb unfair price competition; 36,726 reported need for stronger use of present antitrust laws; 22,202 felt unfair price competition could be curbed by firm retail price proposal, while 21,459 believed unfair price competition could be curbed through firm manufacturer price proposal, and 38,435 believed that unfair price competition could be curbed through proposal to curb loss leaders.

At the time of the adoption of the Robinson-Patman Act efficient independent business both at the production and distribution levels were of the opinion that their "Magna Charta" had arrived, and it is self-apparent that the views held by independent business at that time were confirmed by major actions of large producers in their cancellation of contracts with mass distributors, and it is to be noted when these cancellations took place they were well noted by the Nation's press because of the importance of the published statements coming from the heads of these large suppliers who stated they "couldn't justify the price under the Robinson-Patman Act."

The Federal Trade Commission in 1939, where they found a violation of the Robinson-Patman Act involving a giant corporation and its customers, issued a cease and desist order, and it has been highly questionable when that order was ever vigorously enforced by the Federal Trade Commission. This was disclosed at the time the late Honorable Estes Kefauver was chairman of a subcommittee of the House Small Business Committee, in a staff report to the chairman, "United States Versus Economic Concentration and Monopoly."

It would appear that from that moment on, due to happenings within our economy, that something must be done to strengthen that law, such as proposed in S. 1815 and S. 1935.

In 1963, through mandate No. 288, the entire federation membership was polled on S. 1815, and particularly note the arguments presented for the proposition, and the arguments against, with instructions to the members: "Before voting issues, read these explanations."

S. 1815. Make it possible for businessmen to go into court to protect themselves against competitors and suppliers who promote monopoly through sales at unreasonably low (loss leader) prices (Senator HUMPHREY, Minnesota). Under present U.S. Supreme Court decisions, businessmen cannot sue privately under this section of the antitrust laws. Only Government is permitted to enter such suits. For —. Against —.

Argument for S. 1815: Unless businessmen have the right to take cases into court, on their own, under this section of the antitrust laws, monopoly will continue to increase. The fact is that Congress just will not, perhaps cannot, appropriate enough money for the Federal antitrust agencies

to do the job that must be done. Sales at unreasonably low prices (loss leader selling) are destructive of local competitors and therefore of the competitive system. Passage of this bill will be a slowdown signal for would-be monopolists.

Argument against S. 1815: This bill could do nothing more than cause trouble in our courts, without particularly helping parties injured by cut prices. In the first place, the law in question is of doubtful constitutionality. The cost of fighting a case on this basis would be prohibitive. Secondly, there is always the problem of proving when a price is, or isn't, unreasonably low. The result: more time and more money involved, again with no reasonable assurance of results. Better nothing, than something that muddies the water.

The result of the poll of our nationwide membership was disclosed in mandate No. 289.

Here's the national summary of votes on issues in mandate No. 288. This has been sent to all Congressmen and Senators, all congressional committees, and all agencies and individuals in the executive branch of our Government, for their information. It also has been sent to all State senators and Governors.

	Percent		
	For	Against	No vote
1. S. 1226, H.R. 264: Curb labor union joint activities	94	5	1
2. H. Res. 104: Provide for investigation of U.S. State Department	78	17	5
3. S. 1815: Permit private suits for "loss leader" competitive damage	69	25	6
4. H.R. 918: Tax incentives for hiring of those over 45	64	30	6
5. Congress set time limit on foreign aid program	88	9	3

In view of the majority membership vote in favor of S. 1815 speaking for the federation membership, we recommend the adoption of this legislation.

Finally, Mr. Chairman, such constructive legislation must be adopted so that small business can take cases into court on their own under this section of the antitrust laws. Otherwise, monopoly will continue to increase.

SENATOR HUBERT H. HUMPHREY ADDRESSES CALIFORNIA DEMOCRATIC CLUB CONVENTION

Mr. HUMPHREY. Mr. President, it was my distinct privilege to address the California Democratic Club Convention on Saturday, February 22, 1964, at Long Beach, Calif. I ask unanimous consent that excerpts of my remarks be printed at this point in the RECORD.

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

EXCERPTS FROM REMARKS BY SENATOR HUBERT H. HUMPHREY, CALIFORNIA DEMOCRATIC CLUB CONVENTION, LONG BEACH, CALIF., FEBRUARY 22, 1964

It is 3 months since the assassination of President Kennedy. It is 3 months, and yet we are only now beginning to realize how widely and deeply this man was loved and respected.

There were no boundaries—no, not even the Iron Curtain—to this sharing of sorrow. On Moscow television, a woman announcer burst into tears as she read the news. She spoke for uncounted millions of people, in every corner of the inhabited globe.

One snowy day in January, President Kennedy—looking, as he always did, like a young god—said: "Let us begin." And, within 5 days after the assassination, President Johnson stood before a joint session of Congress and said: "Let us continue."

This is the strength of America, that we can take so heavy a blow and still keep going forward.

This is also the strength of our Democratic Party, that we have deep reserves of ability and dedication to offer for the leadership of our country.

Like Harry Truman, like Adlai Stevenson, like the late President Kennedy, he is an authentic heir of F.D.R. and his New Deal—and proud of it.

For myself, I like to think of President Johnson as a man for all seasons and for all sections of the country—North and South, East and West.

He is a leader not of any section but of the Nation. As a national leader, he is facing squarely up to national problems—and above all to the problem of achieving equal rights for all Americans.

I speak as an old frontline soldier in this battle for civil rights. Fifteen years ago I stood before the National Democratic Convention and expressed my own deep conviction that we—all of us—must "walk out of the shadows of States rights and walk forthrightly into the bright sunshine of human rights."

And, that sun is shining brighter today—thanks in no small part, by the way, to a great citizen of your State, Chief Justice Earl Warren.

It will shine even brighter tomorrow.

The House of Representatives has passed, by an overwhelming majority, a strong effective civil rights measure.

And I, as one Senator, assure you that we shall—in good time, but not too long a time—give our endorsement to that bill—and I mean that bill, unweakened.

Republicans and Democrats together voted for that bill in the House, and Republicans and Democrats alike will vote for it in the Senate. That is right and proper. This is not a partisan issue.

But I do, as a Democrat, take real pride in the part that our Democratic President has taken on the fight—and will continue to fight right through to victory.

On this issue, the White House phone has been buzzing every day—and, if it wasn't 24 hours a day, it certainly seems like it. And, with President Johnson at the other end of the line, a man has to be tough of hide and hard of heart to say "No."

It may be peaceful persuasion—but it's the most forceful brand of peaceful persuasion that I've ever seen in action.

We know President L.B.J. is a doer. I am confident that he will be a doer for peace as well. I have sat with him for many hours and reasoned together, as he likes to put it. I know the man. And I know that the establishment of peace is his primary goal.

Last year we took a giant step toward peace with the nuclear test ban treaty.

President Johnson is determined to build upon this foundation, and to maintain the momentum toward peace.

Others may be unilateral—although not unilateral disarmament, which would risk all the gains we have made so far.

For example, the establishment of the U.S. Arms Control and Disarmament Agency, the first such Agency set up by any nation in history, was itself a unilateral act for peace. I am proud to have played a part in it.

More recently, the Russians have reduced their military budget, and so have we. We never sat down together and agreed to do it. But quiet, unheralded actions like this reduce tensions—and they are pledges of confidence, taken independently, in peace.

I for one believe that the main highway to peace lies through the United Nations, the parliament of mankind. And I am proud that we have there representing us Adlai Stevenson, a leading citizen not only of this country but of the world.

He speaks for the best in America—and that, my friends, is a very good best.

We know that peace will not be altogether painless. It will involve great economic changes—not least, here in California. A third of California's industrial workers are in the aerospace industry.

It was easy to beat swords into ploughshares. It is not so easy to convert today's highly spohisticated defense industries to the purposes of peace.

This is a problem which concerned me as chairman of the Senate Subcommittee on Disarmament. We initiated some studies on this subject—tentative and exploratory, but the first, I believe, that had ever been made.

Now the U.S. Arms Control and Disarmament Agency is marshaling some of the finest minds of the country to make a comprehensive and detailed attack upon this problem.

I await their findings with interest. But I can say two things here and now. First, I am confident that the engineers who have devised weapons system of fantastic complexity can cope with the problems of conversion to peace, no matter how complex these may be.

Second, this conversion will be much easier for a healthy and growing economy than for a stuttering and staggering one.

I stand here today to report to you that this Nation has enjoyed, under Democratic leadership, the longest period of sustained growth in its history.

I know that there is unfinished business, that there is unemployment, and there is poverty in the midst of unprecedented plenty.

We are doing well. But we can do far better. A fifth of our own people cannot be permitted to live in poverty. It is wrong. It is immoral.

Our record of sustained growth—plus the tax cut, which will maintain and accelerate it—puts us in a strong strategic position to wage that all-out war on poverty which the President has so forcefully declared.

Yes, we must destroy poverty. And we have the means to do it.

Automation can create new jobs, not more jobless. It must make boomtowns, not ghost towns.

We can see to it that old age is welcomed with serenity and lived in dignity.

Education, which has become a necessity for all, must be made a reality for all. We can do it. We have the means.

Our cities can be made into efficient, wholesome, good places in which to live.

And why must we permit the thousands of farm families of this Nation—the most productive and efficient in all the world—to live on the edge of poverty? We should not and we must not.

We can meet the challenge of poverty here at home. But it will all be meaningless if we cannot find a way to live without war.

Yes, above all, we must preserve the peace. The road to peace can well be a thousand miles long. But under President Kennedy and now President Johnson we have been taking the first steps.

Indeed, if we are to have peace for ourselves and our children, we can look with prayerful gratitude to the work of four great men and women, who have passed from the scene in these last few years:

Dag Hammarskjold, who gave his life for the United Nations.

Eleanor Roosevelt, who was the very embodiment of the generosity and the noblest aspirations of all mankind.

Pope John XXIII, who had only a short time to reign as Supreme Pontiff and knew it, but who with serenity and confidence

wrote one of the great documents for peace of all time.

And, John F. Kennedy, whose life was struck down at a time when he had set his Nation firmly on the path to peace.

Our task—indeed it is our solemn duty—is to continue the work started by these great world leaders.

Let me close by speaking to you as fellow toilers in the political vineyards.

President Kennedy was granted only a thousand days to push forward the great enterprises he had begun.

It is up to you to see to it that President Johnson has the time and the tools to finish the job.

That means—indeed, it requires—the reelection of President Johnson with a liberal Democratic majority in Congress, and I underline the word "liberal," to back him up.

We can be happy that we, as a party, are more united than ever before.

We are not burdened with an aspirant for the Presidency who wants to stop the world so that he—and his frenetic claque of young fogies and little old ladies in tennis shoes—can get off.

But we cannot depend upon the divisions within the GOP ranks to do our job for us. They might—even though they are Republicans—come to their senses and come together.

We must work, and work hard, between now and November. We must carry the Democratic policies and programs to every supermarket and every doorstep.

OLDEST KNOWN STOCK CERTIFICATE TO BE EXHIBITED AT WORLD'S FAIR

Mr. HUMPHREY. Mr. President, I know that the many Americans of Scandinavian origin in my State who are beneficiaries of the private enterprise system as practiced in the United States take pride in an announcement made in Sweden this week that the King's Archivist has given permission to send to the United States the world's oldest known stock certificate representing share ownership in a company still in operation.

The document, written in medieval Latin and dating back to June 16, 1288, serves as valuable evidence of private enterprise as practiced in Sweden in medieval times. This certificate, which is to be exhibited in the Swedish Pavilion at the World's Fair, the theme of which is "Creative Sweden—Land of Free Enterprise," records that Bishop Peter Elofsson received from his nephew, Nicolaus Christineson, a one-eighth share in Stora Kopparberg. The transaction was validated by King Magnus Ladulaas and other dignitaries, who affixed their seals.

This document is particularly interesting in that it is a share in a company which has an unbroken industrial tradition which goes back 900 years and is the oldest stock corporation in Sweden and probably in the world.

The corporation now has 20,000 stockholders and 14,000 employees. It is one of Sweden's largest producers of steel, woodpulp, newsprint, and chemical products, all based on its own mines, forest, and power stations.

Stora has subsidiaries in the United States, Canada, Great Britain, Germany, Norway, Italy, Brazil, Argentina, and Uruguay. Its original copper mine played an important role in Sweden's history, having helped King Gustavus Adolphus finance the extensive wars which made Sweden a world power in the 17th century.

I know that all Americans join me in expressing appreciation to King Gustav Adolf VI for permitting this historic paper to come to the United States as evidence of the continuing bonds of friendship and trade between our two countries.

ONE YEAR AFTER THE HOUSING EXECUTIVE ORDER

Mr. JAVITS. Mr. President, there is some misapprehension in some quarters about whether the pending civil rights bill deals with housing. As I read the bill, there is nothing in it which changes existing regulation, existing law. The Federal law on the subject is, of course, the Executive order against discrimination in federally financed housing which was issued in the fall of 1962.

Trends in Housing, the bimonthly journal of the National Committee Against Discrimination in Housing, recently assayed the first year of the Executive order and emphasized a point which I believe may be of interest in connection with many of the more sensational predictions being circulated about the pending civil rights bill. When the Executive order was first issued, there were dire predictions about the havoc it would create in housing. Now, even trade journals agree that business has never been better than during the first year of the order.

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

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

ORDER'S FIRST YEAR HAD SMALL IMPACT—RESISTANCE NEGLIGIBLE

As the first year under the Executive order barring discrimination in federally aided housing ended, neither the hopeful expectations of supporters nor the gloomy forecasts of opponents had been realized. The record shows that little happened—good or bad.

Thus far, relatively few minority-group families have been directly benefited by the antibias mandate. The limited scope and narrow interpretation of the order, inadequate informational programs about what it covers and how it operates, and cumbersome, slow-moving enforcement procedures have discouraged its use. Throughout the country only 27 complaints under both the mandatory and the "good offices" sections of the order were filed, and less than a third of these had been satisfactorily settled during the year.

END OF SCARE

And what about the industry's contention that the order would play havoc with business? "Integration: End of the Big Scare," House & Home (January 1964) headlined one section of its report on the National Association of Home Builders' annual convention, recently held in Chicago. "This year's meeting was in virtually universal agreement that the order has had only a slight effect on housing," House & Home declared.

The Luce publication for the building industry went on to report that "homebuilding apparently ended the year 10 percent ahead of 1962 levels," and the president of the National Association of Real Estate Boards has stated that neither construction nor sale of homes has been much affected "by Federal pressure for the integrated neighborhood" (Dallas Morning News, Sept. 4, 1963).

The "end of the big scare" was underscored by a recent report issued by HHFA Administrator Robert C. Weaver. "Predictions that the President's nondiscrimination order would result in a sharp downturn in homebuilding proved false, as we thought they would," he asserted. "Homebuilding has risen, and 1963 promises to be one of the highest homebuilding years on record."

Mr. Weaver said the record shows that resistance to the nondiscrimination mandate during its first year has been negligible. The Urban Renewal Administration had only four cancellations, and only 814 units of public housing (less than 1 percent of the total number covered by the order) were withdrawn.

FHA APPLICATIONS

Applications for FHA assistance totaled 255,854 during the first 11 months of 1963, as compared with 268,986 for a similar period in 1962. Both industry and Government experts discount the housing order as the reason for the slight drop. FHA Commissioner Philip N. Brownstein notes that applications from Atlanta reached a new high in 1963, topping 1962 by 12 percent. Many observers feel the exceptional availability of conventional mortgage money accounts in large measure for the less than 5 percent decline in FHA applications in 1963.

Builders, observed the Philadelphia Bulletin (Oct. 5, 1963), "report that the customer with the cash in his pocket and the desire for new shelter has not been scared off by the housing order."

IMMEDIATE OUTLOOK

According to Mr. Weaver's report, more than 600,000 federally aided housing units covered by the nondiscrimination requirements of the Executive order are now available or will come on the market during 1964. Almost 200,000 of these are completed homes or apartments now ready for occupancy.

(The mandatory section of the antibias edict covered only housing which was contracted for after the order's effective date, November 20, 1962. Thus, during 1963, a substantial amount of preorder housing was available. This backlog is almost exhausted, and most federally aided housing on the market from now on will fall under the order's prohibition of discrimination.)

URBAN RENEWAL PROJECTS

Mr. Weaver also reported that 800 of the 1,400 urban renewal projects undertaken since the program started in 1949 are now subject to specific nondiscrimination agreements under the order. More than 90 of the 800 covered projects were under construction during the last year.

TWO ESSENTIALS

"The first essential to make housing available to all, without discrimination," said the HHFA chief, "is to provide housing. This is being done, on the private and public market and in the redevelopment of our urban areas.

"This rapidly growing supply of good housing, at many price levels and in urban and suburban locations," he continued, "will provide nonwhite and other minority families a wide choice of better housing from which to choose in the coming year."

Mr. Weaver said the second essential step in achieving an open market is for individuals to avail themselves of the choices provided. He predicted that 1964 will see the start of a significant dispersion of nonwhite families from the segregated ghetto into the general community.

SPECIFIC PROGRAMS

Housing now or soon to be available and which is subject to the mandatory section

101 of the order, comes under the following HHFA programs:

FHA: A total of 282,500 units of new housing—191,700 single family homes and 90,800 apartments. About 95,000 of these are completed and ready for occupancy.

In addition, as of November 1963, FHA had available for sale or rent some 70,000 homes acquired through foreclosures. Since the order was issued, a substantial number of FHA- and VA-repossessed houses have been sold to nonwhite buyers.

VA: About 100,000 units of new housing. Figures were not given for the number of these which have been completed and open for occupancy.

PHA: A total of 84,000 new public housing units are covered by the order. Of these, 35,000 are in development, and 49,000 in the preliminary planning stage.

Other programs: There are 78,944 accommodations for college students and 1,579 for hospital nurses and interns which are subject to the Executive order and are now or will soon be completed. Also, there are 14,194 units of housing for senior citizens under the direct loan program.

COMPLAINT LOAD

During the year, FHA received 12 complaints covered by the mandatory provisions of the order (one of these initiated with VA and was supported by FHA—see below). Six of the cases resulted in agreements by the builders to sell homes to the complainants and to refrain from future discriminatory practices. As of mid-December, six cases were pending: in two, the builders had expressed willingness to sell if the buyers made bona fide purchase offers; three were scheduled for hearings; and one was under investigation.

The first suspension of a builder for violation of FHA nondiscrimination rules came on December 30. On that date, FHA announced that H & S Builders, Inc., of Silver Spring, Md. (a suburb of Washington), had been suspended from future participation in its insured mortgage program. The case was based on a complaint filed by the Washington office of the American Friends Service Committee on behalf of a Negro couple who sought to buy a home in Oakwood Knolls, the firm's development in East Riverdale, Md.

In July, VA suspended a Florida building firm from participation in its home loan guaranty program, FHA also issued a suspension (Trends, July–August 1963). After 4 months, both agencies lifted the suspensions because VA told the builder, "you have given assurance that you will not discriminate." According to the press, the firm's sales dipped more than two-thirds while FHA- and VA-assistance was not forthcoming.

VA's action in the Florida case drew angry criticism from Representative OLIN B. TEAGUE, Democrat, of Texas, on the ground that the Negro involved had made no clear offer to buy a home. "I do not believe that builder Norman Rossman was in technical violation," declared the Congressman, "and I do not believe that VA is correct in its interpretation that certificates of reasonable value issued prior to the Presidential order are covered."

GOOD OFFICES SECTION 102

Fifteen complaints were filed with FHA which involved housing not covered by the mandatory section of the order. In two cases the Federal agencies were successful in using their "good offices" to persuade builders to comply with the intent of the order; four cases were in negotiation in mid-December; and persuasive efforts failed in the others.

RECENT FEDERAL ACTIONS

In late October, FHA issued a new ruling which places a nondiscrimination requirement on extensions or reissuance of unused commitments for mortgage insurance, regardless of whether the builder secured the original commitment before the effective date of the order. A second regulation issued at the same time requires that applications for FHA insurance involving the sale of existing dwellings, or the sale of land upon which a dwelling is to be erected, shall be accompanied by a certification by the seller that he will not discriminate.

More recently, Mr. Weaver announced that the Federal housing agencies have completed a cooperation agreement with the Minnesota Commission Against Discrimination which is expected to serve as a model for similar agreements with the other States with comprehensive antibias housing laws. Under the terms of the agreement, if violation of the State fair housing law involves any federally aided housing (whether covered by the mandatory section of the order or not), the full sanctions of the order would be invoked. If, for example, an FHA builder is found guilty of violating the Minnesota law, he will be suspended from further participation in the FHA program. The agreement also provides for systematic exchange of information about federally aided projects which are scheduled and violations under the order or under the State law.

The PRESIDING OFFICER. Is there further morning business?

Mr. GRUENING. Mr. President——

The PRESIDING OFFICER. The Senator from Alaska is recognized.

TRAINING OF ALASKAN NATIVES IN ELECTRONICS

Mr. GRUENING. Mr. President, 4 years ago, a useful education program was started in behalf of Alaskan natives, which is the Alaskan term for the Alaskans of the aboriginal race—either Indians, Eskimos or Aleuts.

It consisted of training young men in the field of electronics. We have in Alaska a far-flung distant early warning line, the so-called DEW Line, which alerts the defense facilities of Alaska against the approach of hostile aircraft.

We also have a widespread communication system known as the White Alice System. Up to this time, the electronic technicians necessary to man these installations were brought in from the lower 48 States, at great cost. They were not long happy at these remote stations. They were bored, and chafed at the isolation. They were unaccustomed to the climate.

For a number of years I have been urging the employment of our natives in available jobs. I did this as governor, as did Alaska's then lone spokesman in the House, territorial delegate, and now Senator, E. L. "BOB" BARTLETT. After statehood we renewed our efforts. With the development of the DEW Line and White Alice System, it struck us that here was a splendid opportunity, by first giving the necessary training, to furnish that useful employment to Alaskans which we had been seeking for so long.

I personally urged this policy, repeatedly, to officials of the Bureau of Indian Affairs, and I was happy to see the program initiated 4 years ago.

The first group of 10 Indian and Eskimo young men, selected by the principals of their respective schools for outstanding performance, came to New York and spent 18 months at the RCA school. I am happy to report that whereas in a class of more than 200, taken from all parts of the United States, approximately one-half flunked their tests and were not able to be certified as electronic technicians, every one of our Alaskan boys made the grade and all were able to return to Alaska to take on the jobs on the DEW line and the White Alice System, at salaries beginning somewhere between $8,000 and $10,000 a year.

One memorable incident in connection with their graduation was that they came to Washington and were received at the White House, where I had the pleasant duty of introducing them to President Kennedy and explaining this new program to him, urging him to support further appropriations so that this pilot project could become a full-fledged program for all possible candidates for the available positions. The program has come into being and has been so successful that it has been continued and expanded and several other classes have been graduated. About 100 young Alaskans have either been trained or are in training. It is our hope that about 500 young people will be made available for these jobs. Personally, I do not see why these jobs should be limited to men. There is no reason why we should not train women as well, and I hope that this will be done.

An excellent article dealing with this subject appeared in the February 29 issue of Business Week under the heading:

Going Native the Electronics Way.

The subhead reads:

RCA Has Had Difficulty Keeping Technicians at DEW Line, Other Outposts in North. Eskimos, Alaskan Indians, Just Starting Training in New York, May Be the Answer.

I ask unanimous consent that the article be printed in the RECORD at this point in my remarks.

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

GOING NATIVE THE ELECTRONICS WAY—RCA HAS HAD DIFFICULTY KEEPING TECHNICIANS AT DEW LINE, OTHER OUTPOSTS IN NORTH; ESKIMOS, ALASKAN INDIANS, JUST STARTED TRAINING IN NEW YORK, MAY BE THE ANSWER

A group of 40 Eskimos and Alaskan Indians, jet-propelled from the Stone Age to the space age, arrived in New York this week to start an 18-month course to train as electronic technicians. With them were 11 wives and 24 children.

The men will study and work at RCA Institutes, Inc., within walking distance of an apartment-hotel where all will live. Generally, their only previous taste of living "down south" took place last week at the Coach House, a Seattle motel, where they received orientation in such 20th-century developments as traffic lights, modern kitchens, plush restaurants, and supermarkets. They are, however, familiar with airplanes, the most common form of travel in Alaska.

DISTAFF SIDE

The wives—who came along to insure the program's success—were given talks on personal appearance and grooming, while the men toured electronics plants and also visited the Boeing facility at Renton, Wash.

The program is the brainchild of the Bureau of Indian Affairs and has full cooperation from RCA. The company, like other de-

fense contractors, has had difficulty keeping electronics technicians on the job at DEW line and White Alice outposts, and at tracking stations for Tiros weather satellites. It is looking for greater stability by employing qualified Alaskan natives.

As for the Bureau, it is anxious to provide vocational training for Indians, and, in fact, it is bearing the entire expense of the group—men, women, and children—under a law passed in 1958. Included are transportation from their homes in Alaska, living expenses, tuition, books, and other incidentals. Normally, Indians in such programs may select living quarters themselves. But with the World's Fair about to open in New York, the Bureau booked lodgings in advance.

This is more than a trial run for the Bureau. Two pilot groups of ten men each already have been trained in electronics and returned to jobs in Alaska. The present group, however, is the largest ever sent out for this type of training.

REWARDS

To the participating native Alaskan—all are high school graduates or the equivalent—this program could be a bonanza. Instead of an uncertain, undependable future, which might include commercial fishing, work on roads, in canneries, or at military bases, these men can look forward to steady employment.

Furthermore, it will be at pinnacle rates of pay for any of their group and will include provisions for pensions and living in their native surroundings. Some of the 40 men came from Indian villages, others from southeastern Alaska where lumbering and commercial fishing were the principal activities.

Still others are from the vast sparsely settled country north of the Arctic Circle, where trapping is the main source of income, and hunting the principal source of food. Outside the cities, there are few year-round jobs in Alaska, except for the military and the National Aeronautics and Space Administration.

FREEDOM OF CHOICE

There is no guarantee that after training in New York is completed, the men will want to return to their native land; they are free to go wherever they wish, and the Bureau will pay transportation. However, officials expect nearly all will want to go back to Alaska, where jobs are almost always open at remote outposts.

Not only is the pay attractive—starting between $9,600 and $10,200 annually—plus living costs—but the very isolation and remoteness of some sites may take them back to the country where they grew up and which they know best.

PROPOSED MOTION TO COMMIT CIVIL RIGHTS BILL TO JUDICIARY COMMITTEE

Mr. KEATING. Mr. President, it will be my intention to oppose the motion to be made in due time by the distinguished senior Senator from Oregon [Mr. MORSE] to send the civil rights bill to the Judiciary Committee. My reason for opposing it will be that it would be a complete waste of time for the committee to take up a matter which it already has had before it. Having served on that committee, I know what has happened and what will happen, namely, a filibuster before the committee.

I do not understand the strategy of meeting now at 12 o'clock noon and running until 6 or 7 o'clock in the evening. I do not understand why we do not follow the same practice that was followed with the farm bill and the tax bill, by coming in early and staying late, at least at this time, in order to dispose of the legislation.

It may be that there is an expectation that the motion of the senior Senator from Oregon will prevail. I hope it will not prevail. However, it may be that it is expected it will prevail, and that some other measures will again be shoved ahead of the civil rights bill.

I understand that hearings are being held now before the Finance Committee on the meat bill. I opposed the Hruska amendment when the farm bill was before the Senate. I was one of the few members of my party who did oppose it.

I believe that the problem which is before the Senate now is more important than any other problem, and I therefore hope that no effort will be made to agree to the motion of the senior Senator from Oregon, or to put up merely token opposition to it in order to bring in some other matters ahead of the legislation which we are now discussing.

I know that the senior Senator from Oregon would not be a party to that. I know he is one of the stanchest supporters of civil rights legislation. I know he is making his motion in good faith, but the result of it could be that some of the other matters could be laid before the Senate, before the civil rights bill—an event which I very much hope will not take place.

Mr. MORSE. Mr. President, I wish to say to my good friend from New York [Mr. KEATING] and also to my good friend from New York [Mr. JAVITS] good lawyers that they are, that I know of no two Senators who are more stanch supporters of the U.S. Supreme Court. I am so sure of their openmindedness that I know they will not irrevocably commit themselves to opposition to my motion until they have listened to the Supreme Court, through my lips, in the form of my argument in support of my motion.

The Supreme Court has handed down what we lawyers call decisions "right on the nose" in relation to the legal position that the senior Senator from Oregon has taken.

Ten days is a short period of time in any session of the Senate. Many things could be brought out in those 10 days. I merely propose that the bill be sent to the committee with instructions that it be brought back to the Senate in not later than 10 days. We shall then have the kind of legal record that the Supreme Court has told us in past cases it considers essential from the standpoint of assistance to the Court in connection with litigious problems connected with a bill as important as this one is.

Mr. JAVITS. Mr. President, it was not my intention to join in this debate, but I have been joined in it by my friend the Senator from Oregon. I shall certainly listen with interest to the argument of the Senator from Oregon. But I have voted against the committee reference on one occasion in connection with this debate. It is clear to me that it would not advance the bill to send the bill to committee, because afterward the bill would still not be before the Senate, and the Senate would still have to deal with a motion to consider it. No Member of the Senate can say now how many days the debate on the present motion to take up the bill will last, before Senators come face to face with the motion of the Senator from Oregon.

I shall consider the question objectively when it is raised; but, as I have voted against such a proposal in the past, for the reasons I have stated, my inclination would be not to support the Senator's motion, for the reason stated by my colleague from New York.

Mr. KEATING. Mr. President, I know of no Supreme Court decision on the point the Senator from Oregon has mentioned. I have not read them all, but I have read a good many decisions. I have not found one which states that it is necessary to have a committee hearing—or to have the committee go through the motions of a hearing—on a Senate bill before the Senate can enact legislation. If that is the case, the Senate has done a great many illegal things in the past. The Senator from Oregon is a great lawyer. If he can cite a decision to that effect, I shall certainly listen to his argument.

Mr. MORSE. It has never been my position that it is necessary to have hearings for that purpose. I shall point out what the Supreme Court has said, namely, that it is helpful to the Supreme Court when a case comes before it involving a statute. It is my opinion that every single sentence of this act will be litigated.

I wish to give the Supreme Court the strongest possible base, so that the law can be sustained.

As the Senator knows—and he was very kind to say so—I stand shoulder to shoulder with the two Senators from New York and with my dear friend from Minnesota [Mr. HUMPHREY] and all the other Senate advocates of civil rights in seeking to have the strongest possible law passed to assure the Negroes of the country that, at long last, they will be guaranteed their constitutional rights. To implement that guarantee we must pass a bill that will stand up against a court attack. That is why I believe a procedural mistake is being made in not obtaining a committee report that can be used when the question is litigated in the courts.

Mr. JAVITS. Mr. President, I am not persuaded that that is so. I am confident that a thorough legislative history will be made on the floor of the Senate. Whatever we do, we shall have to consider many amendments to the bill, and it might be that a reference of the bill to committee, even if it is not risky—and I am not convinced of that—because of the placing of other measures ahead of civil rights and because of other bogdowns, would lead to unnecessary delay in terms of the proposed legislation.

Be that as it may, I respect the Senator from Oregon, and shall listen with the greatest care to his arguments. I express the hope that we may reach that state and be able to consider his motion shortly—I hope even today. I know that is a vain hope, but I hope we may be

able to consider his motion at the earliest possible moment.

Mr. RUSSELL. Mr. President, I must express my profound regret that the distinguished Senators from New York are so impatient for the battle that they are not disposed to tolerate even 2 days of normal procedure in connection with this measure.

All of us know how they have been thirsting for the contest. We have heard them speak on the floor of the Senate, objecting to the consideration of the farm bill and to the consideration of any other measures until the so-called civil rights legislation was out of the way. I know that they have donned the armor and have taken the sword; but I express the hope that they will be able to control their lust for blood and battle for at least a day or two of normal debate in the Senate, particularly in view of the fact that there has been no consideration of the bill by a committee.

I realize, of course, that when they hear the sound of the trumpet, which is the voice of the distinguished Senator from Minnesota [Mr. HUMPHREY], and hear the first clang of battle and the clamor of combat, they demand immediate and unconditional surrender, or else that those who oppose the legislation be pilloried or put to the sword.

However, I trust that they will look back over the history of the Senate and see that there is nothing unusual in proceeding for 3 or 4 days under the normal process of having the Senate meet at 12 o'clock and adjourn before the marches of the morning.

Mr. JAVITS. Mr. President, I should like to reply to the Senator from Georgia for 1 minute.

We cannot require anything. The Senator from Georgia knows that. His speech is a beauty. But he knows as well as we do that he and his colleagues may debate the motion for as long as they please, until the Senate votes cloture. The only reason I say that is so that the country may know that we cannot control anything. We cannot persuade; we cannot implore. What Senators in opposition to the bill wish to do, they will do. It is their privilege to speak, just as it is ours.

This debate will be addressed to America. I believe the impact of America will be brought to bear ultimately upon this subject. That is the only reason why I speak now; otherwise, there would be no point to it.

We all understand the right of Senators to speak to this issue for as long as they wish to speak, within the rules of the Senate. I do not implore, I do not control, I am not thirsting for battle. But I believe that the struggle in which we are engaged is critical for the Nation as a whole. I respect the sincerity of the Senators from the South, including the Senator from Georgia, in feeling that it is critical for their section of the country and for the Nation, as well.

I respect them. But I think we ought to be equally respected; and I shall say so as many times as the Senator from Georgia makes it necessary for me to say so.

This is an equal contest. The jury is now in the box. The jury is the American people. I have enough faith in our institutions to believe that the American people will make their weight felt. I will not sit here and have my cause either denigrated or demeaned, any more than I expect those who oppose the bill to have their cause denigrated or demeaned. I shall rise upon every occasion to make that plain.

Mr. RUSSELL. Mr. President, the vehemence with which the Senator from New York responded to my statement—which I hope contained nothing offensive—tends to cast some doubt on his statement that he demands only equal time and an equal part in this matter. It is not an equal contest, and it cannot be an equal contest because the proponents of the bill have refused to let the bill go before a legislative committee at any stage of the proceedings. It is an unequal contest so far as the American people are concerned.

The Senator from New York [Mr. JAVITS] speaks of letting the American people hear him from this Chamber. I am sure they will hear him, as he is fortunately representing a State which controls much of the media of communications in this country. We have asked that the American people be permitted to petition a committee of Congress with respect to the bill. Unless the people have that opportunity, they are denied a constitutional right.

I did not intend to stir the Senator by my brief statement. But until the Senator concedes that the bill should be referred to a committee, it will be an unequal contest waged against the opponents of the bill, and against the American people, who have been kept in abysmal ignorance of the total effect of the bill upon them in their daily lives.

HOLDING OF ELECTIVE OR APPOINTIVE PUBLIC OFFICE BY MEMBERS OF ARMED FORCES OF THE UNITED STATES, REGULAR OR RESERVE

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter I have received from a responsible citizen, together with an article entitled "Coddled Commandos," published in the magazine Newsweek for February 10, 1964. I have deleted the signature of the writer of the letter because of his concern, as the letter states, that any publicity involving his name might harm him.

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

FEBRUARY 9, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I am enclosing herewith an article which appeared in Newsweek, February 10, 1964. Perhaps it has already come to your attention. Nevertheless I cannot help writing again on this general subject which I feel is a national disgrace. It has long been my view that no one holding elective or appointive public office—above and beyond civil service status—should be permitted to hold any appointment or commission in the Armed Forces of the United States, Regular or Reserve.

I say this even though I presently hold a Reserve commission in the U.S. Army. However, I still retain my civilian viewpoint where politics are concerned. What we have now in Congress borders on a national disgrace. I am constantly reminded of Herbert Block's recent cartoon portraying a group of workmen inscribing on the National Capitol the words of Senator JORDAN at the Baker hearings, "Gentlemen, we are not investigating Senators." Supervising the project is a caricature of a Senator, string tie and all, who shouts: "Better make that in gold letters, boys." Although our Congress is made up of human beings and will always have accompanying weaknesses, it ought to be like Caesar's wife even if it never will be. But, there is no reason why we should abandon our attempts to make it so, and I have long been impressed with your personal campaign to bring about more morality and responsibility in Government.

It is difficult to be an American in this part of the world and try to hold up our country as a shining example when you have situations such as the one being publicized in the attached article. In an area where freeloading, nepotism, graft and corruption are considered to be a way of life, we have a difficult time speaking out against these evils when the local inhabitants can point to similar happenings in our own system, albeit on a considerably smaller scale. Nevertheless, it can probably be safely said that the result is that the deficiencies of our Government are more readily apparent to an American living abroad than to one at home.

I realize that it is in fact futile for me to be writing this letter for the vast number of Representatives and Senators holding reserve commissions are certainly not going to part with them willingly. Nevertheless, for whatever benefit it may have, I choose to speak out and voice my discontent with this "built-in" lobby in Congress. It will be impossible to live up to the intent of the Constitution in keeping the military establishment completely out of the machinery of government as long as so many political leaders, elective and appointive, have a vested interest in the military and vice versa.

It is said, and undoubtedly with more than a grain of truth, that the situation has gotten so bad that the three military services actively compete in their endeavors to award reserve commissions to newly elected Senators and Representatives who don't already hold these merely in order to have more allies in their respective camps. The story is told—whether or not it is apocryphal I cannot say—that the Air Force stole a march on the Army in awarding a commission to Senator ——— when he was first elected. The Army was actively working on Senator ——— but the matter of a commission was referred to Department of the Army for approval. The Air Force commander did not refer the matter to Department of the Air Force but awarded a commission on his own responsibility, thus beating out the Army by a day or two. Even if this tale is an unfounded rumor, it has to be admitted that it would not be spread if Senators and Representatives did not and could not hold Reserve commissions.

* * * * *

I write this merely to give you one citizen's opinion. I fear that I must ask you not to give me any publicity whatsoever in connection with this letter. This is simply because I am sure it would not do me personally any good whatsoever—as an active reservist—to be associated with a stand such as I have taken. I concede that it is a shame that I have to take the coward's way out in

a matter such as this, but there are times when discretion is truly the better part of valor—particularly when confronting such formidable opposition as one faces in this general area.

Sincerely,

——— ———.

ARMED FORCES: CODDLED COMMANDOS

Deep in the Strategic Air Command's underground war room near Omaha, the General listened intently to an operations briefing last week, then fired a series of sharp questions that revealed an intimate knowledge of the capabilities and problems of SAC bombers. The general's face was familiar to all, but not his serious manner and tone of voice. "He doesn't drawl or talk as slow as he does in the movies," one briefing officer said later. "He is much faster, sharper." Lanky, graying movie star, Jimmy Stewart, had just stepped again into his role as a brigadier general of the U.S. Air Force Reserve for his annual 2-week tour of active duty.

The Air Force, as usual, began working Stewart to a frazzle. To assure maximum exposure, his orders hopped him from Omaha to Colorado Springs to Washington, and then to Tampa, Orlando, and Cape Kennedy before carrying him back to Hollywood. At the Pentagon, Stewart ran into Col. Maurice Casey and reminisced about their days as World War II buddies who "used to steal B–24's and go on low-level training flights chasing English cows." But Stewart was also as up to date on missiles. "You're darned right they're dependable," he said. "The real reliability is in the mixed force—manned and unmanned. That's important."

Unblushing, General Stewart's superiors hoped that as much as possible of the actor's stardust would rub off on the Air Force. Brig. Gen. James Stewart is only the best known—and, as a crack fighter and bomber pilot in World War II, probably the most distinguished—of a roster of VIP's who form a sometimes coddled elite in the U.S. Reserves. They are the cream of the 1.7 million Reserve officers and men in phantom units on which the Pentagon spends some $2 billion a year. But of the VIP's, the most important—and most coddled—are the "congressional commandos," the Capitol's term for the Senators and Representatives—and staffers—who hold Reserve commissions.

For different reasons, publicity has flared brightly on the part-time military lives of two Senators—Army Maj. Gen. J. STROM THURMOND, of South Carolina, and Air Force Maj. Gen. BARRY GOLDWATER, of Arizona. By comparison, the rest of the Pentagon's little-known loyal legion moves under cover of darkness—and in considerable numbers. One training unit—the 9,999th Air Reserve Squadron organized and commanded by General GOLDWATER—has 93 members including not only 70 congressional staffers but also Nevada's Senator HOWARD W. CANNON, a brigadier general; California's Senator CLAIR ENGLE, and Hawaii's Senator HIRAM FONG, both colonels. Lt. Col. MARGARET CHASE SMITH, of Maine (who raised Cain 7 years ago when Jimmy Stewart was first up for promotion to general) might have belonged to the 9,999th if she hadn't retired from the Air Force Reserve some years ago.

General THURMOND commands an Army Reserve unit with a total of 90 members, and Navy Capt. WILLIAM S. MAILLIARD—a Republican Congressman from San Francisco—heads a volunteer training unit which though smaller (75 members), includes the Senate's third-ranking Democrat, Marine Col. GEORGE A. SMATHERS, of Florida. A fellow Florida Democrat, Representative ROBERT L. F. SIKES, is a two-star Army Reserve general.

Many Capitol commandos study dutifully to sharpen their military capabilities. General GOLDWATER has taken courses in "The Principles of War" (as well as in "Oral and Written Expression") and General THURMOND completed the Senior Officers Nuclear Weapons Employment Course in 1959.

Seaman First Class JOHN G. TOWER, the GOP Senator from Texas who is the only enlisted reservist on Capitol Hill, is studying for advancement, too, after holding his present rating some 20 years. "I'm studying the bosun's manual now, but it's slow going." Seaman TOWER said he rejected the Navy's offer of a commission ("I don't want to take a rank I'm not qualified for"); he still didn't want one even though a billet opened up when his fellow Texan, Lyndon B. Johnson, recently resigned his Navy commander's commission.

HIGH CALIBER

The Pentagon's Reserve manpower on Capitol Hill is hardly a substitute for the U.S. Marines. But it provides the Military Establishment with a great sense of security when legislative battles loom. "Capitol Commandos" serve as high-caliber lobbyists for individual services (e.g. General THURMOND plugged mightily for the Army's Nike-Zeus missile) as well as the whole Defense Department. The military viewpoint is unlikely to be neglected, for instance, so long as Reserve Marine Col. John R. Blandford is counsel of the House Armed Services Committee.

In return, all the Pentagon has to do is follow a fairly sympathetic promotion policy for its VIP reservists and wink at normal Reserve-training requirements. The cost for that kind of influence is small even when the services throw in a few foreign junkets, as they do each year. Nobody at the Pentagon takes seriously the question that a Congressman, once commissioned, might face a conflict of interest. As a matter of fact, nobody at the Pentagon seems to take the Congressional Commandos very seriously.

"The truth of the matter," one official said, "is that these Congressmen hang onto their Reserve commissions because it gives them a certain status back home, it provides for some free rides and some junkets. Actually, they serve no useful purpose in the Reserve because most of them (due to legislative duties, dependents, or age) would never fill their mobilization assignments in wartime."

CIVIL RIGHTS ACT OF 1964

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the membership of the Senate Judiciary Committee.

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

MEMBERSHIP OF THE JUDICIARY COMMITTEE

James O. Eastland, of Mississippi, chairman.
Olin D. Johnston, of South Carolina.
John L. McClellan, of Arkansas.
Sam J. Ervin, Jr., of North Carolina.
Thomas J. Dodd, of Connecticut.
Philip A. Hart, of Michigan.
Edward V. Long, of Missouri.
Edward M. Kennedy, of Massachusetts.
Birch E. Bayh, of Indiana.
Quentin Burdick, of North Dakota.
Everett McKinley Dirksen, of Illinois.
Roman L. Hruska, of Nebraska.
Kenneth B. Keating, of New York.
Hiram L. Fong, of Hawaii.
Hugh Scott, of Pennsylvania.

Mr. MORSE. Mr. President, far be it from me to mention any names; but I wish the RECORD to show my analysis of the Judiciary Committee vis-a-vis the committee's support of a strong civil rights bill. According to my mathematics, at least nine of the members of the Judiciary Committee would favor a strong civil rights bill; the other six would perhaps favor a civil rights bill in one form or another. So I am at a loss to understand why some of my pro-civil-rights friends are so much concerned about having the bill sent to the committee under instructions to report it to the Senate in 10 days.

Furthermore, I do not know why there should be fear in regard to having the bill reported with amendments. The bill should be amended. If anyone thinks this civil rights bill, once placed on the Senate Calendar, and not referred to a Senate committee, will go through the Senate without being amended, I am at a loss to understand such an attitude, for parts of the House version of the bill should be amended.

For example, the FEPC proposal is not nearly as strong as the original Senate proposal. Furthermore, why atheism is linked up with it is beyond my comprehension, and defies my power of imagination. Some persons think it is fairly good, but that goes beyond my power of imagination.

Mr. President, it is our duty to amend the bill in whatever respect is necessary in order to arrive at a bill which will stand up in court. I do not "buy" the argument that the bill should not be amended, in order to avoid sending the bill back to the House. If the bill needs to be amended, it should be amended and should be returned to the House, and the House should do its duty by joining in the amendments needed in order to protect the people of America, including the Negroes.

THE CIVIL RIGHTS ACT OF 1964—QUORUM CALLS—DAILY SCHEDULE

Mr. HUMPHREY. Mr. President, in order that Senators and aids may be informed, and so that Senators may readily respond to quorum calls, and to avoid delaying the Senate, I announce that it is the intention to have the Senate remain in session until at least 7 o'clock tonight; and each day it will be the intention to step up the length of the sessions a little—after convening at 12 o'clock noon for the remainder of this week. This arrangement will permit the committees to transact some very important committee business.

Beginning next week, we shall reevaluate the situation, and shall determine whether the Senate should convene at an earlier hour and should remain in session longer.

I believe the debate which is occurring is helpful, although the same debate could occur after the bill had been made the pending business. However, I am not at all critical of Senators who wish to take time to debate the motion to take up the bill; that is entirely within the rules and is entirely their privilege.

But an effort will be made to keep the Senate active and busy. Therefore, delay in responding to quorum calls would

only contribute to delaying the proceedings of the Senate. So let Senators be on notice that there has been established a system to bring Senators to the Chamber quickly, to respond to quorum calls. I hope that when the roll is called tomorrow, each Senator will quickly respond to the quorum call. Otherwise, we would be in the embarrassing situation of having to instruct the Sergeant at Arms to request the attendance of Senators—a procedure which I do not like to invoke.

Mr. LONG of Louisiana. Mr. President, the measure which is the subject of the motion to consider is one of the most controversial and, in my judgment, one of the most unpopular pieces of proposed legislation which will be brought before this body or any other body in a long period of time. If anyone has any doubt that this measure will be one of the most unpopular bills ever to be brought before the country, let him wait and see how the majority of the people will respond to it, if this measure should become law.

At this time, the provisions of the bill are not understood by the people; nevertheless, measures are being taken in an attempt to bring the bill before the Senate without having it first considered by the appropriate committee, and without providing an opportunity for the American people to appear and testify there and explain their views in regard to this matter. That effort should be resisted.

Reference has been made to quorum calls, to bring Senators to the Chamber. I believe the RECORD should show that Senators who favor the proposed legislation—some of whom committed themselves to it even prior to their election to the Senate—have asked us to terminate the debate on this question. I point out that the fact that there may be a quorum call from time to time will not mean that those of us who oppose the bill have had an opportunity to be heard.

For example, at this time I observe that not one Senator is on the far side of the aisle; and only six Senators, including the distinguished occupant of the chair, are present. If Senators who oppose the bill wish to make their case and wish to present it to the other Members of the Senate and to the country, many Senators should be present; they should not wait until there is a quorum call.

With that point in mind, I ask unanimous consent that I may be recognized, in order to suggest the absence of a quorum, following conclusion of the morning hour and after the distinguished occupant of the chair has laid before the Senate the unfinished business.

Mr. JAVITS. Let me point out that there is a Senator on this side of the aisle.

Mr. LONG of Louisiana. Mr. President, one Senator has now shown up.

Mr. STENNIS. Mr. President, I call for the regular order. The absence of a quorum can be suggested at any time.

The PRESIDING OFFICER. Does the Senator from Louisiana suggest the absence of a quorum?

Mr. LONG of Louisiana. Not at this time, Mr. President.

The PRESIDING OFFICER. Is there further morning business?

If there is no further morning business, morning business is closed.

CIVIL RIGHTS ACT OF 1964

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the motion of Mr. MANSFIELD to proceed to the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of House bill 7152.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

Mr. HUMPHREY. Mr. President, we shall have a live quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested; and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 73 Leg.]

Aiken	Gruening	Morton
Allott	Hart	Moss
Anderson	Hartke	Muskie
Bartlett	Hayden	Neuberger
Bayh	Hickenlooper	Pastore
Beall	Hill	Pearson
Bennett	Holland	Pell
Bible	Hruska	Prouty
Boggs	Humphrey	Proxmire
Byrd, Va.	Inouye	Ribicoff
Byrd, W. Va.	Javits	Robertson
Cannon	Johnston	Russell
Carlson	Jordan, N.C.	Saltonstall
Case	Jordan, Idaho	Scott
Church	Keating	Simpson
Clark	Kuchel	Smathers
Cooper	Lausche	Smith
Curtis	Long, Mo.	Sparkman
Dirksen	Long, La.	Stennis
Dodd	Magnuson	Talmadge
Dominick	Mansfield	Thurmond
Douglas	McClellan	Walters
Eastland	McGovern	Williams, N.J.
Ellender	McNamara	Williams, Del.
Ervin	Metcalf	Yarborough
Fong	Miller	Young, N. Dak.
Goldwater	Monroney	Young, Ohio
Gore	Morse	

The PRESIDING OFFICER. A quorum is present.

The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, within the past few minutes we have heard an expression from the Senator from Oregon [Mr. MORSE], who is a proponent of the civil rights bill, that I think is very significant. It spells out in greater force than I could the real reason why the bill should have the fullest study, and examination by a competent committee.

The Senator from Oregon said that every sentence of this far-reaching bill will be the subject of litigation. That is certainly true. The legislative branch of the Government should have the guidelines of committee findings in its consideration of this measure and it should give the judicial branch of the Government some guidelines for interpretation. That opportunity will be missed on this the most far-reaching bill that has been before the Senate on this subject matter in the past 100 years if it is not sent to committee. That description of the far-reaching effects of the bill is not just my opinion, but also that of the New York Herald Tribune according to a quotation in that paper yesterday. In spite of the importance of this bill there will be few guidelines for the courts to follow except the speeches that are made in this Chamber on various provisions of the bill. Many of those statements are heard by only a few of the Members of this body.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Louisiana for a question.

Mr. LONG of Louisiana. Is the Senator aware of the fact that the courts do not look to the opponents of legislation to determine legislative intent, but, rather, to the committee reports and statements of the managers of the bill, particularly those who speak for the committee in handling an important piece of legislation on the floor of the Senate?

Mr. STENNIS. The Senator from Louisiana has stated the rule correctly, and it is a sound rule. A bill should have a concise committee report accompanying it, as well as the statements of the Members of Congress who manage the bill.

I commend the Senator from Oregon [Mr. MORSE] for his concern and interest in wanting to send the bill to the appropriate committee of this body for proper consideration.

I call attention to the fact this is not merely one bill. It is a bundle of bills put together. We have here a most far-reaching bill proposing Federal legislation on public education. Yet it received very little attention before committee. Some hearings were held on certain subject matters contained in the bill, but they were not full and complete hearings on the bill in its present form. The part of the bill relating to public education received scant attention in hearings. There has been no substantial Federal legislation on public education in the history of the Government. There have been various appropriations in the field and various policies have been set by Congress such as legislation pertaining to land-grant colleges, but there have never been any sweeping Federal enactments concerning public education. Yet it is now proposed that we enact a law covering the field of education without any Senate committee hearings on the proposed bill.

There is another far-reaching provision in this package of bills. It is the provision that would, in effect, repeal the formulas laid down in federally assisted programs and Federal aid programs now on the books. If the bill becomes law,

the formulas contained in Federal assistance acts will be abolished. The Senator from Mississippi thinks that would be the greatest extension of Federal power and authority that any Congress has enacted in the history of this Government. For instance, the formulas set out in the Land Grant College Act, which I believe is 100 years old, would be repealed by this bill. If this bill is enacted someone else, not the Congress, will decide when money appropriated under any assistance program should be paid and under what conditions it should be paid. It does not delegate such power to the President of the United States. It is a direct delegation of legislative power to the head of a department. It would be better legally to give the power to the President of the United States, if the power is to be delegated. There would be more of a semblance of order to delegate such power to the President, rather than to the head of a department. With very few ground rules to bind him it will give a Federal department head uncontrolled discretion to act almost at whim and caprice in withholding Federal funds.

Congress has authority to impose conditions on Federal appropriations. It has the power and responsibility to establish formulas. That responsibility cannot be met by adopting a sweeping law which amends everything on the statute books relating to the apportionment of money and by one stroke of the pen, so to speak, delegating our responsibility and legislative power to the head of a Government agency.

Such action on the part of Congress would reverse all precedent. It would adopt a policy contrary to that which has been in effect for 100 years. Yet, the part of the bill which would do this has had very little consideration in committee. So far as I know, there has been no report of any kind on it from any Senate committee.

Hearings were held by the Senate Commerce Committee on the so-called public accommodations title. It was considered to some extent by the Judiciary Committee. But exhaustive and complete hearings on the specific public accommodation provisions of this bill have not been held. Yet it is not only a new subject in the field of Federal law, but it goes directly into the teeth of the plain holdings of the Supreme Court of the United States which said, without any condition at all, that such a bill is invalid, illegal, and unconstitutional.

Yet this bill is brought before the Senate with the scantiest kind of hearings.

This is the first time the Federal Government has ever undertaken to enter this field. The bill is a complete reversal of Federal policy and law. It would override and strike down laws, customs, habits, practices, and the social order of millions of people in the United States.

It is inconceivable that, under the whiplash of so-called moral sentiment, under the whiplash of organized minority groups, the Senate, assembled to represent all the States of the Union, should be pushed or intimidated or coerced into passing legislation of this kind without adequate hearings.

I know that 46 Senators signed the bill, but I believe that at that time every one of them expected there would be reasonable hearings and full explanations of the meaning of the main provisions of the bill and an explanation and report by the committee as to what would be its practical operation and effect.

But instead of that, there have been no comprehensive hearings, and no report by a Senate committee except on limited parts of the bill. I know that no motion to send the bill to committee will prevail. The Senator from Minnesota, who is in charge of the bill at this time, announced a few moments ago that the Senate would remain in session until a certain time each day, and that the time would be increased a little, and then a little more on succeeding days. We appreciate his accommodation; but the Senator is saying that we must consider this bill without committee study. The Senator announces what the schedule will be, and that he will accommodate us physically; but so far as any opportunity to consider the legislation through ordinary channels is concerned, he insists that we vote to prevent it.

Mr. HUMPHREY. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I am glad to yield.

Mr. HUMPHREY. I thank the distinguished Senator from Mississippi. The Senator has made quite a point of the fact that there were no hearings before the Judiciary Committee. Will the Senator tell me why there were no——

Mr. STENNIS. If the Senator will pardon me, I said there were inadequate hearings. There were no hearings on many features of the bill.

Mr. HUMPHREY. Will the Senator tell me why a bill that had 46 cosponsors, and that was referred under normal procedure to the Judiciary Committee, had limited hearings—as the Senator properly and accurately states—involving only one witness? The Committee on the Judiciary had the civil rights bill before it since last August. Why the delay? It seems to me that is a question that needs an answer.

Mr. STENNIS. The committee itself could answer that better than I or any other individual Member could; but if the committee itself is at fault, why not send it to some other committee or to a special committee, or do anything the Senate might wish? But let us have hearings that will culminate in a report, that will underscore and outline the import of the language and what it means, how it measures up to the Constitution, where it fails to do so, and where it does do so.

Let us have some guidelines so that both Senators and the courts will have something to go by. The courts will need such guidance when the provisions of the bill are litigated.

The Senate has not exhausted its efforts to obtain real hearings. The time has come when the proponents of this proposed legislation do not care to hold any further hearings. The Senator from Minnesota has made up his mind to prevent it. Merely because a hearing will not be held until the Senator from Minnesota thinks it should be, that does not mean a breakdown in the Senate system. But if the Senate itself fails to make a reasonable effort to hold hearings, that will be a breakdown of the Senate system.

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

Mr. STENNIS. I yield.

Mr. HUMPHREY. I say most respectfully to the Senator from Mississippi that the bills introduced, known as the civil rights bills, after the excellent message of our late beloved President Kennedy, were referred to the appropriate committees of the Senate—the Judiciary Committee, the Commerce Committee, and the Labor and Public Welfare Committee. The Labor and Public Welfare Committee held extensive hearings, heard many witnesses, and reported to the Senate its portion of a bill on fair employment practices. It is on the calendar.

The Commerce Committee also held extensive hearings, heard many witnesses, and reported to the Senate a measure on public accommodations. The most exhaustive hearings ever held by any committee in the history of the Congress was held by the Senate Committee on Commerce on the subject of public accommodations.

Mr. STENNIS. Let me ask a question. Were any hearings on the public accommodations title in its present form held by any Senate committee?

Mr. HUMPHREY. The subject matter of public accommodations, which was the same subject matter that was considered in the House of Representatives, was discussed in the Senate committee hearings. Further, the Judiciary Committee, which is the committee to which Senators asked that the bill be sent, refused to take action for some reason or other—I do not know why. It had a duty under the Legislative Reorganization Act to take action, and it took none. That is why the Senate has before it now at least an attempt to bring before it the House-passed bill.

I shall comment on this subject more fully, as to why the procedure of taking the bill through the present route was followed, but I believe it is obvious to anyone who has served in the Senate that the Committee on the Judiciary has been the graveyard, the burial ground, the tomb, the well in which, for many years, every civil rights bill has been lost.

Mr. STENNIS. I believe it is true that the hearings that were held on the public accommodations bill by the Commerce Committee were rather full hearings, but these were on an altogether different bill than is now before the Senate. Quite a few changes were made in the House; and an altogether different bill is before the Senate than the one on which hearings were held. The same is true with reference to the FEPC provision. It was not recommended by President Kennedy, but it was thrown in at the last minute in the House. It, too, is in a different form from the bills involved in the Senate hearings last year. There have been no hearings on that part of the bill in its present form.

Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. Please give the Senator from Mississippi the courtesy to which he is entitled.

Mr. STENNIS. Let me ask the Chair to put that on the basis of courtesy, not to the Senator from Mississippi, but to the Senate itself.

The PRESIDING OFFICER. To the Senate itself.

Mr. STENNIS. So, Mr. President, it goes almost without contradiction that, as to most of the major parts of the bill in its present form, there has not been the slightest consideration by a Senate committee; and as to the major parts of the bill, there have been no guidelines, and no reports from a Senate committee with reference to the provisions of the bill as it is presented. We are asked to take it, lock, stock, and barrel, and swallow the whole thing.

Mr. President, we already know the main issues, but there are a few points which should be discussed at this stage. It is well for us to debate the merits and the meaning of the provisions. Today, I shall discuss primarily title II of H.R. 7152.

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

Mr. STENNIS. I yield.

Mr. HUMPHREY. I thank the Senator for what he has just stated. This is the type of discussion which will be very helpful—taking up the bill title by title, regardless of the time which may be consumed.

I appreciate the fact that the Senator will devote his attention, his vital mind, and his long experience to this particular title.

Mr. STENNIS. I thank the Senator. I may not confine my remarks to title II, but I wish to discuss that aspect because of its far-reaching import in a field into which the Federal Government has never previously entered. This is one of the most far-reaching pieces of legislation that has ever been offered.

At the outset I would like to point out that the issue of civil rights always brings into play highly charged emotions. These emotions have now been raised to a fever pitch and this is perhaps more true with respect to the public accommodations than to any other portion of the bill.

Regardless of this and regardless of the fact that many regard the goal of enacting H.R. 7152 as a great moral crusade, I hope that it will be recognized that the Federal Government was never designed or intended as the instrument for a direct attack on alleged moral problems. Regardless of good faith and sincerity, we must not let the emotional fervor of the moment lead us to take the perhaps fatal step of trampling upon basic human and constitutional rights and ignoring the clear constitutional infirmities which are inherent in this proposal.

Mr. President, I suspect that as the demonstrations, marches sit-ins, and blocking of highways and bridges go on, a systematized national effort will be made to stir up and arouse emotions in order to try to force the bill through the Senate. To do so would trample on basic human and constitutional rights and ignore the clear constitutional infirmities which are inherent in the bill.

I submit that the legislation now before us, because of its emotional overtones, demands and requires the most impassionate, thorough, and analytical consideration. At the same time—and because of the same emotional overtones—I fear that it is most unlikely to receive such consideration.

I recognize that Congress has great power in many fields but it should not—and I trust the Senate will not—attempt to use this power to wipe out and eradicate inherent and basic individual rights which are clearly beyond the reach of governmental control. Included in these is the right to acquire and own property and to use, or to restrict the use of it, as one sees fit; the right of an independent proprietor to operate his private business as he sees fit; and the right of an individual to choose his own associates and customers.

I submit, Mr. President, that the basic constitutional issues involved in title II of H.R. 7152 are of much greater significance and importance than our personal feelings and convictions about racial matters and the merits of integration. The preservation of the sanctity of inherent constitutional and human rights and the principles upon which the greatness of this Nation is founded are matters which far transcend the importance of personal feelings or personal convictions on racial issues. I hope no one will ignore or belittle the fact that constitutional questions of the gravest importance are involved in this legislation.

I know that there are those in this body who support this legislation because of their desire to protect what they conceive to be the rights of minorities. However, I hope that they will not let their zeal for the end which they have in mind justify the very doubtful means proposed by H.R. 7152. No ends can justify legislation which tramples ruthlessly upon the most sacred and fundamental rights of the majority—which destroys and wipes out more basic and cherished human individual rights than it can possibly protect and preserve. I believe, Mr. President, that this is the precise effect of H.R. 7152 and particularly title II thereof.

Let us look at what title II proposes to do. It would place under Federal control inns, hotels, motels, and other lodginghouses, restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, and other facilities engaged in selling food for human consumption, gasoline stations, motion picture houses, theaters, concert halls, sports arenas, stadiums, and other places of exhibitions and entertainment. It would also draw under Federal control any other establishment physically located within the premises of any establishment otherwise covered by the law, or within the premises of which is physically located any such covered establishment and which holds itself out as serving patrons of such covered establishment.

As to the places mentioned, the bill provides in section 201(a) that:

> All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

Under the terms of the bill, the heavy hand of Federal control will extend to the private business establishments which I have mentioned, first, if they affect interstate commerce; or, second, if discrimination or segregation "is supported by State action." The bill further provides that discrimination or segregation is "supported by State action" if such discrimination or segregation, first, is carried on under color of any law, statute, ordinance, or regulation; or, second, is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or, third, is required by action of a State or political subdivision thereof.

The owners and operators of the establishments which I have mentioned, if they fall within the definitions and parameters of this title, would be divested of their long-recognized right to enjoy and utilize their private property as they see fit and of their right to serve or refuse to serve whomsoever they please. These rights are fundamental and they cannot be destroyed or impaired by the Federal Government under the guise of protecting the real or fancied rights of other individuals. Citizens cannot be deprived of fundamental rights merely because they own hotels or other lodginghouses, restaurants, lunchrooms, theaters, or any of the other business activities enumerated in the bill.

Let me say at this point that I believe that the designation of the businesses covered by H.R. 7152 as public accommodations is itself a misnomer and is, therefore, calculated to deceive. The enterprises enumerated in the bill are in no sense public accommodations in the sense that term has always been understood. The enterprises at which the punitive provisions of the bill are directed are private enterprises and are privately owned and privately operated. No person has any vested right in them except the individual or individuals who own them. They bear no resemblance whatsoever to public utilities which are operated by virtue of a public franchise. Thus, H.R. 7152 attempts to take completely fictitious rights and transform them into established legal rights by virtue of congressional action. I hope that what I shall say hereafter will be sufficient to demonstrate the fallacy of this.

Let me point out one further matter with respect to the public accommodations title. I wish to call the attention of the Senate to section 202 which, in my judgment, extends the scope of the title far beyond that which is generally thought to be the case. Section 202 is not, by its language, limited to public accommodations as defined in the bill. It is not even limited to public places. It provides:

> All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national

origin if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule or order, of a State or any agency or political subdivision thereof.

I cannot conceive at this time what interpretation will be placed upon this section. As written, it appears to be broad enough to cover even private homes and other private property.

It would be idle for me to speculate upon the proper interpretation of title II. To do so would be to become involved in a legal jungle. It is impossible for anyone to determine precisely how far this legislation goes and what will be its total impact if it should become law. It is a bewildering and confusing collection of contradictions and uncertainties. Its generalized terminology and broad and sweeping provisions are susceptible of the most extreme and unlimited interpretations. The revolutionary impact of it defies description and definition.

In my previous discussion of the provisions of title II, I neglected to point out that there is expressly exempted from its operation an owner-occupied lodging-house with no more than five rooms for rent. This exemption is a contradiction within itself. The proponents of the legislation assert that Congress has the legal power to enact it. If this be true, how can they justify a statute which says one private businessman with six rooms for hire should be subject to punitive action when he denies accommodation to a person on account of color while his competitor next door with only five rooms for hire can deny such accommodations without similar sanctions being imposed? If, as the proponents contend, the issue is one of morality how can it be moral for one businessman to discriminate and immoral for another?

The inconsistency is even greater than I have just mentioned. From the language of the bill it would appear that while a five-room lodging house would be exempt, a boarding house serving five diners would be covered by the law. This puts the sponsors of the legislation, it would appear to me, in the position of contending that it is moral and legal to discriminate in the renting of rooms but not in the sale of food.

I do not make these comments for the purpose of suggesting that the exemption be eliminated. I make them merely for the purpose of illustrating how untenable and inconsistent is the position of those who support the legislation.

The fact that it was deemed necessary to insert this exemption is proof positive of the impracticability of extending the iron hand of Federal control to small localized private business enterprises and to command compulsory customer acceptance by the businessman while at the same time leaving the customer free to do business with the establishment of his own choice. Indeed the very existence of this exemption constitutes a confession by those who framed this legislation that such Federal control is impractical and undesirable.

I have said, Mr. President, that the basic and fundamental issue involved in the public accommodations section is not one of racial preference but of grave constitutional principle.

I think I can best illustrate this by the fact that many supporters of civil rights legislation who come from north of the Mason-Dixon line have grave and serious reservations about the constitutionality of title II of this bill. I will mention only a few.

The distinguished minority leader [Mr. DIRKSEN] apparently shares these reservations. In the New York Times of June 18, 1963, it was reported that he said that he "regarded any move to force business companies to accept integration a violation of constitutional protection of property rights."

On June 19, 1963, in discussing the civil rights bills upon the floor of the Senate, the Senator from Illinois said:

> The second title is the highly controversial title dealing with accommodations and public services. It has been modified somewhat from the original draft, which is the one that I could not accept—first, because I do not believe it would be enforcible; second, I think it would contravene the Constitution and would be an invasion of a private right.

As recently as February 26, 1964, he stated on the floor of the Senate that he would have a substitute for title II of the bill when the time comes.

The able and distinguished Senator from Oklahoma [Mr. MONRONEY] had this to say in his individual views which accompanied the report of the Senate Commerce Committee on S. 1732:

> I cannot agree with the concept of the bill which would ignore what I consider to be the limitation of congressional power to regulate interstate commerce. The committee view of interstate commerce goes too far. In its extension of Federal regulation and control over purely local affairs, the bill exceeds and transcends any legislation ever before proposed under the commerce clause.

The distinguished and able Senator from New Hampshire [Mr. COTTON], in his individual views which accompanied the report on S. 1732, said this:

> The Federal Government under the Constitution is not designed for a direct attack on a moral problem, such as is involved here. Basically, the Constitution does not confer upon the Congress authority to remedy moral or spiritual wrongs, nor is the law always a wise and effective means of forcing the morality of the majority on the minority. Political and economic rights can be enforced by law. Brotherhood and tolerance must be won in the hearts of men.

In the House, Representative LOUIS C. WYMAN, of New Hampshire, who served ably as attorney general of that State for nearly 10 years, had this to say:

> In several important respects this legislation is an unconstitutional extension of Federal power over the private rights of individual American citizens to live their private lives or conduct their private businesses as they please—short of criminal offense—and over the power reserved to the States and to the peoples thereof, to regulate the pattern of living within State borders, each unto each as the legislatures of each determine.

Even Attorney General Kennedy had doubts about whether the 14th amendment would support the passage of this legislation.

I consider his statement to be highly important. He is the man who wrote the bill; he is the man who interpreted the bill before the committee. He is the man who, as the present Attorney General, would be the recipient of the massive power that this bill if it passes would give the Attorney General. He is the man who would formulate the policies to carry out the provisions of the bill. I shall read a quotation from the man who would lead the attack on the customs, the conditions, the practices, the social behavior, and the day-to-day life of the people of great parts of the country. This is what Attorney General Kennedy said on July 1, 1963, testifying before the Committee on Commerce with reference to the public accommodations part of the bill:

> We recognize that in 1883 the Supreme Court held in the *Civil Rights Cases* (109 U.S. 3), Congress did not have power under the 14th amendment to prohibit discrimination in privately owned places of public accommodation, and that Congress' power under that amendment is only over discrimination accomplished by the action of a State.

He is the chief architect of this bill, the foremost adviser to its sponsors, the man who will help carry it out if it passes. In effect, he said: "I recognize that this provision of the bill is stricken down by a Supreme Court decision in a case decided in 1883."

He specifically said:

> The 1883 decision has not been overruled and remains the law of the land.

The Attorney General also said, in substance, that: "The provision that I am talking about in the bill has been condemned and stricken down, and such law declared void and illegal by the Supreme Court in a decision of 1883, and that decision remains the law of the land today." This next sentence is very significant.

He said further:

> It is for this reason that we rely primarily on the commerce clause.

He refers to the commerce clause of the U.S. Constitution in that statement.

The Attorney General was correct in stating that the 1883 decision has never been overruled. Nevertheless, in the face of his testimony, the proponents of this measure are trying to justify the passage of the bill on the basis of the 14th amendment. The Supreme Court held expressly that this could not be done and the Attorney General said that court decision is still the law of the land.

Mr. Kennedy also told the Commerce Committee:

> I happen to feel that if this law were predicated on the 14th amendment, it would be declared constitutional by the Supreme Court.

In other words, the Attorney General stated he thinks the Court is going to change its mind. But he continued:

> But I would say that there are many of my colleagues in the Department of Justice, and others, who have a very, very serious question about it.

It seems that the Attorney General and his associates think that this provision in the proposed law would be invalid and

illegal under the past decision of the Supreme Court. But they are asking us to pass the bill anyway, contrary to our oaths, in the hope that the Supreme Court will reverse itself and declare valid that which it has said is invalid. Mr. Kennedy, himself says that in and out of the Department of Justice, there are many of his colleagues, who have a very serious question about it.

Mr. Kennedy further said:

> For instance, the Solicitor General feels that it makes far, far more sense to base this on the commerce clause than on the 14th amendment. There are others who feel the same way.

So, the only reasonable interpretation, according to their own witness, according to the testimony of the man who planned the bill, who wrote the bill, and who will be the chief in charge of carrying it out—and he says his associates are even stronger on it than he is—is that, under the 14th amendment, the bill would be illegal, invalid, and void if passed by Congress. So under that interpretation, all of us, proponents and opponents, are driven to the conclusion that if the provision could be justified at all, it must be justified on the basis of the commerce clause of the Constitution. As I shall point out later, this title cannot be supported by the commerce clause.

That is another matter that is just as farfetched, except that there is no direct ruling of the U.S. Supreme Court on the exact point.

It is not my purpose to be unduly critical of the Attorney General, but I must say that I found his presentation most unconvincing. I happen to agree with the statement in an editorial in Life magazine on July 19, 1963, which commented:

> Attorney General Robert Kennedy has contributed to the constitutional uncertainty by giving an unsatisfactory explanation of the legal bases on which he seeks to outlaw racial discrimination in places catering to the public.

It seems more than passing strange to me, Mr. President, that although the Congress is being asked to pass proposed legislation calculated to work the most radical and far-reaching changes conceivable in the social and economic life of our country, the Attorney General—the highest legal officer of the United States—was not able to make out a case which would persuade anyone who had not made up his mind in advance—not even members of his own staff, and not even his own mind, fully.

Again I submit, with all deference, that that leaves the proponents of the bill with no constitutional basis for it, except whatever they can strain out of the commerce clause of the Constitution.

In commencing a discussion of the constitutionality of title II, it is well to refer to certain basic and elementary considerations. Our Constitution is based on certain fundamental principles. Of these, the doctrine of separation or distribution of power is perhaps the most fundamental. The Constitution clearly recognizes that there is a Federal domain and a State domain. The Founding Fathers made the division of authority according to this test: Matters which are essentially and basically national in scope were placed in the Federal domain, while things which are essentially local in nature are reserved to the States.

However, the framers of the Constitution did not consider it necessary or wise to enumerate those matters which are essentially local in nature. They considered that the State governments were to possess all powers not expressly conferred upon the National Government. This concept was formalized in the 10th amendment, which states that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Thus, it is now firmly recognized that the Federal Government is a Government of strictly delegated powers, and that it cannot exceed or transcend the powers conferred upon it.

All of this means that in considering H.R. 7152 questions of expediency, wisdom, morality, social desirability, and political urgency are entirely secondary. The primary and basic issue is whether, under the Constitution, the Federal Government has the power and authority to legislate as H.R. 7152 proposes. I hope that as this debate proceeds all of us will be mindful of this basic philosophy of our political system. We must never forget that it is our own Constitution with which we are tinkering.

I should like also to answer those who would urge that the question of constitutionality should be left to the courts and that it is the duty of the Congress to proceed to pass legislation which in its judgment is for the betterment of the Nation. I say that ours is a higher duty. It is our responsibility, I believe, to make a judgment, not only upon the wisdom of proposed legislation, but upon its constitutionality, as well. That is exactly in accordance with the oath of office which all Senators have taken. Too often has the Congress abdicated this function to the courts. The Congress is the first line of constitutional defense; and the wisdom, the integrity, and the patriotism of the Members of Congress demand that no measure be passed without first having been subjected to close and careful scrutiny as to its constitutionality.

I think it is particularly important that we do this, because there is a well established principle that the courts, in considering legislation which the Congress has enacted, will indulge every possible presumption in favor of its constitutionality.

That is a very important principle of our system of jurisprudence. Any measure which is passed by both Houses of Congress and is enacted into law goes into the courts with all the flags of presumption flying in its favor; and the courts must be clearly able to find logical, solid, and sound reasons, before they can set aside such a measure. In other words, if a bill is passed by Congress, the presumption is that Congress construed it to be constitutional; and the courts, in reviewing the legislation, will make every effort to sustain and uphold that construction. It is vital, therefore, that we examine what we would do, not in the field of race relations alone, but also to the political structure of divided authority, if we enacted this proposed legislation.

H.R. 7152 bases the proposal for Federal legislation prohibiting racial discrimination in the establishments mentioned in the bill upon both the 14th amendment and the commerce clause. The plain truth of the matter is that the supporters of the bill do not know on what it should be based. They had so little confidence that the 14th amendment would support the bill that they were lukewarm about it, and used it only halfheartedly at the outset. However, very legitimate doubt that the commerce clause would support the proposed legislation led them to predicate it on both the 14th amendment and the commerce clause. One of these provisions, however, must support the proposal by its own weight. If neither provision of the Constitution supports such an exercise of Federal power, the combination of the two, of course, cannot. I shall show that title II of H.R. 7152 is constitutionally indefensible on either ground.

I shall first discuss the application of the 14th amendment.

From the cases thus far decided by the Supreme Court, there is one generalization about the 14th amendment which can be made without fear of challenge. It is that the 14th amendment gives Congress no power whatsoever to prohibit purely private acts of discrimination.

In 1875, the 43d Congress enacted a statute based on the 14th amendment; and that measure provided in part as follows:

> All persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; * * * applicable alike to citizens of every race or color, regardless of any previous condition of servitude.

It is obvious that this act was strikingly similar in principle to title II of H.R. 7152. The constitutionality of the 1875 statute was before the Supreme Court in 1883 in the *Civil Rights Cases* (109 U.S. 3), in which the statute was held to be unconstitutional.

I submit that the holding of the Court in the civil rights cases is a clear and definitive statement that Congress lacks the power to pass a measure prohibiting discrimination by reason of race, in privately owned places of public accommodation, on the basis of the 14th amendment. As to the scope of the 14th amendment, the Court declared:

> It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws.

The Court also said:

> Positive rights and privileges are undoubtedly secured by the 14th amendment; but

they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibitions into effect; and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect.

Continuing, the Court said:

Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for the vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them.

There has not been a clearer, more positive, more firm or conclusive decision of the Supreme Court interpreting a provision of an amendment than that decision. There has been no change in the amendment. There has not been a change in any word of it since the date of that decision.

As I pointed out, the Attorney General of the United States has said that that decision is the law of the land.

The civil rights cases have never been overruled and the basic premise of the decision—that the 14th amendment is applicable to State action only—has never been abandoned, receded from, or limited in any way.

There has been some suggestion that if the issue was again presented to them, the Supreme Court would overrule this decision. However, on the basis of clear principles of constitutional interpretation I say that the rationale of the civil rights cases is as good law today as it was when it was enunciated in 1883 and that the 14th amendment can no more support legislation of this nature in 1964 than it would three-quarters of a century ago.

Not even the most ardent and outspoken proponents of this bill dare to suggest that the 14th amendment reaches other than State action. This principle has been reaffirmed and reiterated time after time until there is now no more firmly established principle of constitutional law.

The finding of a link with State action—something which would connect the act of a private organization with governmental actions or governmental functions in some manner—has uniformly been held to be necessary to bring into play the 14th amendment. This was the kind of a link which led to the demise of the white primaries. See *Smith* v. *Allwright*, 321 U.S. 649 (1944), and *Terry* v. *Adams*, 345 U.S. 461 (1953).

Shelley v. *Kraemer*, 334 U.S. 1 (1948), and *Barrows* v. *Jackson*, 346 U.S. 249 (1953), were cases in which the Court also found the necessary link.

In Shelley, the Court held that judicial enforcement of a racially restrictive covenant by injunction was State action prohibited by the 14th amendment. In Barrows, the Court held that judicial enforcement of such covenants by assessment of damages was prohibited.

In each of these cases, however, the Court cited the principle enunciated in the civil rights cases as one firmly embedded in our constitutional law. Mr. Justice Vinson, in Shelley, noted that the 14th amendment "erects no shield against merely private conduct, however discriminatory or wrongful," and said further:

We conclude, therefore, that the restrictive agreements standing alone cannot be regarded as violative of any rights guaranteed to petitioners by the 14th amendment. So long as the purposes of those agreements are effectuated by voluntary adherence to their terms, it would appear clear that there had been no action by the State and the provisions of the amendment have not been violated.

This language was cited with approval by Mr. Justice Minton in the Barrows case.

As recently as the case of *Petersen* v. *City of Greenville* (373 U.S. 244 (1963)), the Supreme Court reaffirmed this principle by saying:

It cannot be disputed that under our decisions "Private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it," *Burton* v. *Wilmington Parking Authority* (365 U.S. 715, 722); *Turner* v. *City of Memphis* (369 U.S. 350).

Therefore, those who would now use the 14th amendment as a basis for legislation strikingly similar to that which was declared unconstitutional in 1883 would be required to find a positive link with State action.

The moral rightness or wrongness of private conduct are not the proper considerations. Even those who would base this legislation on the 14th amendment do not suggest that it can be read to apply to individual as well as State action. See the case of *Shelley* v. *Kraemer* (334 U.S. 1 (1948)), where the Court said:

The principle has become firmly embedded in our constitutional law that the action inhibited by the 1st section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful.

In no case has the Court ever held that the mere fact that a lodging house, restaurant, or other private business establishment is licensed or authorized to do business by the State constitutes the operation of that business as State action.

It would be tenuous reasoning indeed to hold that individual action becomes State action merely because the individual action is abstractly and theoretically prohibited by the Constitution and the State has failed to take steps to prohibit the individual from so acting. This would be to convert inaction into action—or the negative into the affirmative.

In all cases where the Court has applied the 14th amendment against action which on its face was that of an individual the Court has found a link between the individual action and State action. Such was the case in *Petersen* v. *City of Greenville*, 373 U.S. 244 (1963), where the prohibited State action was found in a city ordinance which required segregation.

The Court found a link of another kind with the State in the act of a private restaurant operator in *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (1961), which involved the refusal of service to a Negro by the operator of a private restaurant which was located on premises leased from an agency of the State of Delaware. The restaurant was located in a building constructed with public funds and used for a municipal parking facility. The Court found that the restaurant, one of several leased areas in the facility, was an "Indispensable part of the State's plan to operate its project as a self-sustaining unit." The Court held that the State lease of public property constituted the link with the State action which brought into play the 14th amendment.

Many arguments have been advanced as 14th amendment support for the public accommodations title. Some reason that, since the State issues a privilege license for the conduct of a business, the operation of the enterprise becomes State business and is subject to all the prohibitions of the 14th amendment against State action.

This argument is so patently unsound as to fall of its own weight. If State action is to be found in the operation of a lunch counter, restaurant, lodging house, or theater merely because the State has required a license for the operation of the business then there is very little activity today which does not constitute State action.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I am glad to yield to the Senator from Louisiana for a question.

Mr. LONG of Louisiana. The contention has been made that a businessman has no right to discriminate in deciding the persons he will serve merely because that businessman must have a license from the State in order to operate his business. Would it not make about as much sense to contend that the 14th amendment gives the advocates of civil rights the right to enact proposed legislation denying one the right to discriminate in the selection of the one whom he would marry, on the basis that the parties must have a wedding license in order to enter into matrimony?

Mr. STENNIS. The same principle would apply, even in such a sacred and well established an institution as marriage. As the Senator has pointed out, the individuals involved are licensed. The Senator has given a very fine illustration. The State must have police power. It must use it to protect public health as well as for other reasons. But the Government does not acquire complete control merely because the State regulates or licenses a particular activity.

Mr. LONG of Louisiana. In some cases, the State must regulate in order that there may be an appropriate record to establish the rights of heirs, property rights, and other rights, which rights, in many respects, happen to be of a purely personal nature.

Mr. STENNIS. The Senator is correct. An individual must have a license to drive an automobile. The husband must have one; the wife must have one. If the wife drives to the beauty parlor or the grocery store she is not engaging in any State or public function simply because she has a driver's license. It is altogether personal.

Mr. LONG of Louisiana. If those who contend that State action gives the Federal Government the power to say that one cannot discriminate, I suppose some might go to the farfetched extremes of contending that that would give the Federal Government the right to say who could ride in an automobile with a person, thus denying the driver the right to discriminate in selecting those persons with whom he would care to share his automobile.

Mr. STENNIS. It does not make sense. Imaginative minds seize upon the fact that State licenses are required to engage in a great many activities. Then those imaginative minds try to use that unrelated fact as the basis for Federal jurisdiction in particular cases. The argument falls of its own weight. I thank the Senator for his contribution to the debate.

I submit that the examples stated are no more absurd than the suggestion that the individual owner of a hotel, motel, lodging house, restaurant, or lunch counter which is licensed by the State is performing a public or State function so that his selection of his customers and refusal to provide service to an individual or individuals is that of the State.

We are not dealing here with a license which is in the nature of an exclusive or semiexclusive franchise of the nature given to public utilities and common carriers. In such instances, under previous court decisions, there is unquestionably a link with State action. These franchises, however, are entirely distinct from the licenses issued to the business establishments at which title II is directed. With respect to businesses such as restaurants and lodging houses, there is no need for a showing of public convenience or public interest for the issuance of the licenses. All that is required is that the requisite tax be paid. The Supreme Court has never found, in a case like this, the link which would transform the alleged discriminatory act of the business owner into the act of the State. The clear answer is that the 14th amendment does not reach such private acts. Constitutional concepts cannot hang by such a tenuous thread. The Court of Appeals for the Fourth Circuit considered the license argument in 1959 and rejected it. *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (1959), involved a restaurant's refusal to serve a Negro solely because of his race. In that case the plaintiff conceded that there was no State statute which required the proprietor to refuse to serve him. He pointed to the statutes which required segregation of the races in carriers by persons engaged in the operation of places of public assemblage. He also emphasized the long established local custom of excluding Negroes from restaurants and contended that the acquiescence of the State in these practices amounted to State action violative of the provisions of the 14th amendment. He also argued that since the State licensed the restaurant it had a positive duty to prohibit racial discrimination in the use and enjoyment of its facilities. In rejecting these arguments the court held that unless the discriminatory act was performed in obedience to some provision of State law there was no basis for complaint. The court stated:

> This argument fails to observe the important distinction between activities that are required by the State and those which are carried out by voluntary choice and without compulsion by the people of the State in accordance with their own desires and social practices. Unless these actions are performed in obedience to some positive provision of State law they do not furnish a basis for the pending complaint. The license laws do not fill the void * * *. The (licensing) statute is obviously designed to protect the health of the community but it does not authorize State officials to control the management of the business or to dictate what persons shall be served. The customs of the people of a State do not constitute State action within the prohibition of the 14th amendment (268 F. 2d 847–848).

If the court meant what it said on May 20, 1963, in *Petersen* v. *Greenville*, 373 U.S. 244, that "individual invasion of individual rights" is not within the purview of the 14th amendment and that "private conduct abridging individual rights does no violence to the equal protection clause," then it should be clear that there is no valid interpretation of the 14th amendment which would uphold the constitutionality of title II.

Mr. President, I have no particular pride of authorship in this statement, but I challenge any of the proponents of this measure to show valid, solid, legal authority for basing title II on the 14th amendment to the Constitution. To the contrary, all the evidence, all the overwhelming logic, all the decisions of the Supreme Court, and of other courts, not only in 1883, but down to this day, show that there is no authority under the 14th amendment, or any concept of the 14th amendment, on which to enact any Federal statute of the kind that we find in title II.

No matter how long this debate may continue, I do not believe it can be shown that Congress has any authority whatsoever, under the 14th amendment, to adopt this provision. It has no more authority to do it than little children in a schoolyard somewhere have authority to pass a law, or people gathered in a ballpark have power to enact a law that would be binding upon all the people.

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

Mr. STENNIS. I yield.

Mr. HUMPHREY. I asked the Senator to yield because I know of the depth of his conviction and the great work he has done in order to build his case. He is speaking in a responsible, thoughtful, and informed manner. I believe these arguments should not fall upon an empty Chamber. I do not believe it helps the legislative process to have a Senator merely recite facts or observations for the RECORD, without at least an intelligent appreciation, or at least a respectful appreciation, of the difference in our points of view, at the same time giving ourselves an opportunity to discuss these questions maturely.

I know the Senator bases his argument in opposition to title II, the so-called public accommodations title, in part on the civil rights cases of 1875—one case in particular, Plessy against Ferguson.

Mr. STENNIS. No; the Senator is in error. There were several cases to which I referred, known as the civil rights cases. Plessy against Ferguson was one of the later cases. It laid down the separate but equal doctrine with respect to schools.

Mr. HUMPHREY. It was one of them. But a series of acts was passed in the period of Reconstruction, designed to protect so-called civil rights. Those acts were subsequently overruled by decisions of the Supreme Court.

I intend to address myself to this subject at some length when I make my own presentation. I hope I may then have the attention of the able Senator from Mississippi. However, I respectfully state now that the early civil rights laws enacted by Congress were directed to private acts, and not toward actions of States. Therefore, to have based those statutes upon the 14th amendment would have been to have weaken the possibility of any ruling of constitutionality.

The difference between title II of the bill and the statutes to which the Senator from Mississippi refers—which statutes were overruled by the Supreme Court—is rather significant.

The Civil Rights Act of 1875, which was overturned in the civil rights cases of 1883, outlawed a number of specific acts against Negroes, but did not tie those wrongs to State action. This was a very serious defect, which was exposed in the court cases, since the 14th amendment provides that no State may deprive a citizen of life, liberty, or property without due process of law, and no State may deny equal privileges under the law. In short, the 1875 act tried to reach private actions through the 14th amendment. This certainly is unconstitutional. I could not agree more completely with the Senator from Mississippi.

As the Senator from Minnesota and eminent legal authorities see the proposed legislation, it avoids this error of basing or predicating the legislation on the 14th amendment which concerns private acts.

Title II, for example, to which the Senator from Mississippi addresses himself, is based specifically on the discrimination supported or required by State action, as contrasted with the 1875 Civil Rights Act which was directed toward private actions.

Furthermore, the legal authority of the Civil Rights Act of 1875 was not based upon the commerce clause. In this instance, the issue involves title II in the bill which we hope to bring before the Senate for action. Title II has as its constitutional base the 14th amendment, where State action is involved, and the commerce clause where individual action is involved.

Mr. STENNIS. Mr. President, will the Senator from Minnesota permit an interruption?

Mr. HUMPHREY. Of course.

Mr. STENNIS. I have been in the Senate for several years. When one Senator extends a courtesy to another Senator by yielding to him, it does not require the Senator who yielded to permit the other Senator to make the first argument on a matter about which they disagree. When we reach the question concerning the commerce clause, I should like to proceed and make the argument first, if the Senator does not object.

Mr. HUMPHREY. Not at all. I was merely trying to learn something I thought was worthy from the excellent presentation of the Senator from Mississippi.

Mr. STENNIS. It is worthy to have a Senator make his own arguments first, and then yield to any other Senator to whom he wishes to yield. I yield readily to the Senator from Minnesota at this time on the question of the 14th amendment, which we were discussing and which the Senator had already discussed.

Mr. HUMPHREY. Will the Senator from Mississippi yield to me on that question?

The PRESIDING OFFICER (Mr. WALTERS in the chair). Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. STENNIS. I am happy to yield to the Senator for a question on the 14th amendment.

Mr. HUMPHREY. I draw a distinction in the case of the laws of 1875, which were overruled in 1883 by a court decision, to the effect that the laws of 1875 were directed toward private action, but that the law was predicated upon the 14th amendment. The 14th amendment does not relate to private action; it relates to State action. There is no doubt that the case of 1883 related to the civil rights laws of 1875, and that those laws were unconstitutional. Title II in the bill, H.R. 7152, insofar as State action is concerned, is based on the 14th amendment. Therefore, there is considerable difference. We shall discuss the commerce clause a little later.

I thank the Senator from Mississippi.

Mr. STENNIS. The Senator from Minnesota had to be absent from the Chamber, but the Senator from Mississippi had developed the cases not only from the 1875 law and the decision of 1883, but down to as recently as 1959, 1961, and 1963, wherein, in principle, the earlier decision was reaffirmed and adhered to. Even more recently, when Attorney General Kennedy testified last year before this committee——

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. STENNIS. The Senator from Minnesota happened to be absent from the Chamber. I started by saying that the 1883 decision has not been overruled and remains the law of the land.

Mr. HUMPHREY. That is correct.

Mr. STENNIS. It is for that reason that the proponents must rely primarily on the commerce clause.

Mr. HUMPHREY. Exactly.

Mr. STENNIS. The Senator quoted the Attorney General as saying that he believed that the proposed law, if predicated on the 14th amendment, would be declared constitutional, but that others thought to the contrary. He named the Solicitor General, who said that he thought it would make far more sense to base the proposed law on the commerce clause. Then the Senator from Mississippi cited cases which——

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr STENNIS. I yield.

Mr. HUMPHREY. I do not disagree with the distinguished Senator from Mississippi in that observation. I heard much of what the Senator was saying, and I followed the logic of his argument. I merely state that the difference between title II of the civil rights bill passed by the House and the cases referred to, insofar as the 14th amendment is concerned, is that most of the laws to which the Senator referred were directed toward private actions and were based on the 14th amendment. I agree that the 14th amendment, in that instance, does not apply. That is why the Attorney General stated—and I believe forthrightly—that title II would have to rest in large measure, insofar as private actions were concerned, on the commerce clause; but, insofar as State actions were concerned, upon the 14th amendment.

Mr. STENNIS. As I understand the Senator from Minnesota, he agrees that a valid law on the subject must be directed solely to prohibiting State action, and not individual or private action insofar as the 14th amendment is concerned.

Mr. HUMPHREY. Only insofar as the 14th amendment is the constitutional basis for it.

Mr. STENNIS. The question was intended to be confined to that.

Mr. HUMPHREY. That is correct. When we come to the other part of the Senator's dissertation on the commerce clause, I hope to be able to listen to it all the way through. I do so because I respect the statements of the Senator from Mississippi. I believe we might engage in some discussion on that, that may prove worthwhile.

Mr. STENNIS. I appreciate the Senator's sentiments on the question of State action; but with respect to the Howard Johnson shops, it is necessary—if the Congress is to require them under Federal law to open their doors to all customers, regardless of color, under the 14th amendment, there must be State power or State action involved in order to make the law valid.

Mr. HUMPHREY. Mr. President, will the Senator yield further at that point?

Mr. STENNIS. I yield.

Mr. HUMPHREY. Not at all. If the State enacts a law that a Howard Johnson shop may be open only to white people, that is a violation of the 14th amendment. However, if the Federal Government adopts a statute—and I believe the Senator will develop that point contrary to my own position—that a Howard Johnson shop being a public place, open to the public and accommodating the public, since it is a part of the stream of life, falls under the commerce clause, and therefore there can be no discrimination.

Mr. STENNIS. The Senator overlooks the fact that my question was expressly confined to the 14th amendment. So far as the 14th amendment is concerned, I understand the Senator from Minnesota to say that no law enacted under the 14th amendment can be directed at the private activities of the Howard Johnson shops, for illustration.

Mr. HUMPHREY. The Senator from Mississippi puts words into my mouth. Let me give the Senator a clear example. There was an ordinance at one time, which I believe has since been repealed, that required, for example, in respect to a restaurant in the city of Birmingham, that if it were to serve both colored and white, there would be a 7-foot wall erected separating white from colored. That was a local ordinance passed under the police powers of the State. So the local government takes on jurisdiction of the police power of the State. That is clearly a violation of the 14th amendment. Therefore, while it may have referred to a private action of the owner of a restaurant, the private action of the owner of a restaurant was called for by an ordinance of a city which was the creature of the State legislature, the legislature being the responsible authority of the State and the police power of the State being exercised, it is a clear violation of the 14th amendment. Therefore, a private action, motivated or compelled by State law or local ordinance which enforces discrimination, is a denial of the due process of law under the 14th amendment. So, if we discuss the legal aspects of the bill, we will have to keep in mind private actions that are strictly privately engaged in, and private actions that are required by State local law which may violate the 14th amendment.

Mr. STENNIS. What would be the situation if there were no requirement as to a separate wall; if there were no requirement under State law, ordinance or anything else, as to the separation of the races, or anything of that kind? Where would the Federal act find support so far as the 14th amendment is concerned?

Mr. HUMPHREY. So far as the 14th amendment is concerned, if there were no local ordinance and no local usage or custom based upon local or State law, the 14th amendment could not apply.

Mr. STENNIS. We are not talking about custom; we are talking about law.

Mr. HUMPHREY. I should say customs or usages under law—or just law, for that matter. If there were no local ordinance which reflected State police power, or no State law, that would mean that the action of the private restaurant operator was a personal action, a personal point of view or personal activity; therefore the 14th amendment, as I see it, would not apply. That is why the Attorney General testified that if we are to reach some of these practices which are not based on law, but on custom or usage not supported by State action, it is necessary to proceed under the commerce clause of the Constitution.

The Senator can dispute the validity of that argument, but that was the argument of the Attorney General. I believe he was correct.

Mr. STENNIS. If I understand the Senator correctly, his idea is that the proposed law, insofar as it is based on the 14th amendment, would not apply to this restaurant owner if he excluded a colored man merely as his own private act, or as his own personal belief.

Mr. HUMPHREY. If there were no local ordinance, the 14th amendment would not apply. However, I say that it is a violation of the Constitution in the sense that the commerce clause does apply.

Mr. STENNIS. I understand.

Mr. HUMPHREY. If it were a public place, used for public business, or used in the stream of commerce. We base our wage and hour laws on that clause; also the National Labor Relations Act. I wish to say that certain competent lawyers disagree with me in relation to the application of the 14th amendment, and go much further than the Senator from Minnesota goes.

Mr. STENNIS. The Senator from Minnesota is speaking only for himself, of course. However, we are agreed that in a State where there is no law or ordinance requiring it, the individual restaurant owner has the private right, so far as the 14th amendment is concerned, to choose his own customers.

Mr. HUMPHREY. On the basis of the 14th amendment.

Mr. STENNIS. Yes.

Mr. HUMPHREY. But on the basis of common law and on the basis of the commerce clause, he does not have the right. The 14th amendment is not the only provision in the Constitution.

Mr. STENNIS. That brings up another question. Does the Senator from Minnesota argue that Congress has authority to enact a law based on common law?

Mr. HUMPHREY. No; the common law primarily provides us with a sense of precedent, of heritage, of our sense of legal history.

Mr. STENNIS. That is not quite the question. Have we the right to enact Federal law based upon common law?

Mr. HUMPHREY. No; the common law is respected in the courts of the Nation in the way I have suggested. The common law provides precedents. It is the duty of Congress to act within the frame of constitutional law.

Mr. STENNIS. I thank the Senator.

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

Mr. STENNIS. I yield.

Mr. PROUTY. I should like to read the first clause of section 1 of the 14th amendment:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Is it not possible for a person to be a citizen of the United States without being a citizen of any State?

Mr. STENNIS. It is my recollection that they are both. They must reside somewhere. Ordinarily we refer to a citizen of a State and of the United States.

Mr. PROUTY. A man might be traveling all the time, back and forth, and might not be a citizen of a State.

Mr. STENNIS. That is possible.

Mr. PROUTY. But he is a citizen of the United States. Therefore is he not entitled to the same constitutional guarantees that the Senator and I are entitled to?

Mr. STENNIS. I do not see how this provision applies to legislation of this kind.

Mr. PROUTY. Section 5 of the 14th amendment provides——

Mr. STENNIS. If a person is in a State, even though he is traveling, that is his domicile for the time being. Whether he is an official resident of that State depends on State law.

Mr. PROUTY. Let us assume that he is a citizen of the United States. Section 5 of the 14th amendment provides:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

I shall develop this theme later.

Mr. STENNIS. I thank the Senator from Vermont. I appreciate the point he has made.

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

Mr. STENNIS. I yield.

Mr. HUMPHREY. Our discussion has been quite helpful. I hesitate to qualify myself as a legal expert, because I am not a lawyer, although I have studied constitutional law.

Mr. STENNIS. The Senator has a very fine knowledge of the law. I am glad to yield to him.

Mr. HUMPHREY. The point we were discussing related to private action and private interest, and whether such action and such interest would come under a law that was related to the 14th amendment.

I should like to develop this point. Let us assume that in a certain area of the United States there is an inn or motel, and that the motel is in a State in which there is no law which calls for segregation, and no law which in any way discriminates. Therefore, on the face of it, there is no local ordinance or any law which would compel the motel owner, in order to be in compliance with State law, to enforce segregation. On the face of it, it would appear that such a case, if it came to court, could not be based upon the 14th amendment. However, if the owner of the motel, which has any facility related to interstate commerce and which are available for any transient who has the money with which to pay the rent, if there is a vacancy, and the motel owner says, "I do not want you because you are colored," and the man replies, "You cannot do that, because there is no law in the State which provides for segregation; I want a room. I have the money, and there is a vacancy," and the motel owner then says, "If you don't get out of here, I will call the State police," we reach the point where the State government takes an affirmative action to enforce discrimination.

Mr. STENNIS. In a different category altogether.

Mr. HUMPHREY. Yes. I am only pointing this out so that there will be no doubt as to the position of the Senator from Minnesota, because this gets down to an individual under the 14th amendment. Section 1 reads:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

If an individual were discriminated against or denied the privilege of renting a room in a motel—and the man were of good character and not drunk or disorderly—if he were denied a room merely because of his race, and there were no segregation law in the State, and the State police or the local police are called in to throw the man out of the lobby, that would be a violation of the 14th amendment, and the individual could go to court and seek the protection of his rights, because he is a citizen of the United States. The 14th amendment provides that no State shall deny to any person within its jurisdiction the equal protection of the laws.

Therefore the man would be within the jurisdiction of the State, and no State power could be used to force the private decision of the motel owner. I believe that would be a clear violation of the law.

Mr. STENNIS. Under the illustration which the Senator gives, could we not assume the power to enact a law to cover this situation? Let us assume that someone tries to prevent me from entering my own car, in an attempt to use that car as the owner, and it is necessary for me to call the police to prevent that man from knocking me down. Under the Senator's argument Congress could enact a law regulating my use of my own car, which I privately own.

Mr. HUMPHREY. Not at all.

Mr. STENNIS. If I am not permitted to use my property, it is not my property.

Mr. HUMPHREY. I say most respectfully to the Senator that there is a great deal of difference. An automobile is one's private property, for his own private use. But if he turned the car into a bus for commercial purposes and said to the public, "This bus is available for anyone who has the money to ride on it," he would be subject to the law.

Mr. STENNIS. The Senator is now using another illustration. He has converted my automobile into a public utility.

Mr. HUMPHREY. A motel is really not a private residence. Most motels are established for the purpose of attracting customers.

Mr. STENNIS. Many motel owners live on the premises with their families. Certainly that is private property.

Mr. HUMPHREY. The bill would exclude them.

Mr. STENNIS. We are trying to protect those who live on the premises and others. Jurisdiction is not conferred on the Senate to pass such a bill as is proposed.

Mr. HUMPHREY. I shall listen with interest to what the Senator from Mississippi has to say.

Mr. STENNIS. The Senator can argue that side of the case later.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. What is wrong with allowing operators of hotels who desire to serve persons on an integrated basis making their facilities available to people who do not mind integrating, and letting operators of hotels who wish to serve people who like to be among their own kind of people, and who feel more comfortable among them, serve them on a segregated basis?

As I have approached New Orleans, I have noticed big neon signboards near the entrance to the city advertising the hotels and indicating whether the particular hotels have vacancies. The national chains of hotels, partly because of the pressure of civil rights advocates outside the South, I suppose, have announced a policy that they will accept colored visitors in their hotels. At least two major hotels in New Orleans do not accept colored visitors, but insist on white visitors only.

I have noticed that the Roosevelt Hotel, which is the largest in New Orleans, more often than any other advertises that it has no vacancy. That does not mean that it is better than some of the other hotels. It is older than at least one of the others, but it is a great hotel. I do not claim to know the reason for its policy, but I have noticed that if any hotel has a sign stating "no vacancy," it is usually the Roosevelt Hotel, which is the largest in New Orleans.

What is wrong with permitting hotels that wish to serve guests on an integrated basis to do so? Many hotels in New Orleans operate on that basis. If other hotels prefer to limit their service to persons of the Caucasian race, can the Senator from Mississippi tell me what is wrong with allowing them to do so?

Mr. STENNIS. I do not know of anything that is wrong with it. It is plainly within the province of an individual owner's choice. It is his personal right to make that choice. It is a question for him to decide. The proposed law would cause him to surrender his choice and take that right away from him and give it to someone else.

Mr. LONG of Louisiana. Can the Senator explain to me why people who like to be among their own kind should not be permitted to be so? For example, why should colored people who like to be among colored people, or why should white people who like to be among white people, be denied the right to mingle in the company of their preference? Should they be required to integrate? Can the Senator see any moral reason for requiring people to integrate or associate with people among whom they do not care to be?

Mr. STENNIS. The right of choice of association is one of the most important rights of man. The burden of my argument is that civil rights belong to everyone, regardless of color or creed, or anything else. Everyone has the right to choose his own associates. The bill is a direct invasion of personal, individual and human rights. It is beyond the power of this body to invade that field. The Senator from Louisiana has given an excellent illustration of the point.

Mr. LONG of Louisiana. Has the Senator from Mississippi ever heard it argued that it is within the power of the Government to tell us with whom we may associate and with whom we may not be permitted to associate?

Mr. STENNIS. That decision comes within the field of private rights and private ownership. No government has that authority. We have a choice of our own, and that choice must be kept inviolate. It should apply to everyone, regardless of color.

Mr. HUMPHREY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. HUMPHREY. I thoroughly agree that the Government has no right to tell me with whom I may associate. The Government has no right to tell me that I must be integrated. It has no right to tell me that I must be segregated. It does have the right to say that as a citizen of the Nation, I may not be discriminated against. The same rules apply equally to all. That is exactly the point at issue.

A man has a right to be secure in his own home. He may invite to it anyone whom he chooses, and he may keep others out of his own domicile.

If he operates his own little business, be it a hardware store or a millinery store, which does not really basically affect the stream of commerce, he may well be able to exercise his own individual rights.

But when motels, hotels, gasoline stations, and other facilities that are related to the flow of commerce are established, the owner must assume some additional responsibilities. The point we are trying to make is that when one talks about freedom of choice or private choice, there are some areas in which an individual may very well feel that he wants his business to be open to everyone; yet the State law requires the business to be segregated. Thus, the State law violates the individual's choice.

What is hoped to be accomplished by the passage of the civil rights bill is not that one must intergrate or must segregate, but that he must treat people as people. I do not know why a person of color should be denied the opportunity to sleep in a hotel. Dope fiends, prostitutes, and other persons of ill fame and bad repute are not denied such accommodations; they use them by the dozens. Yet because of his color, a man may be denied that which the Constitution makes it crystal clear may not be denied him—the equal protection of the law to persons regardless of race. The equal protection of the law may not be denied to any citizen of the United States.

Mr. STENNIS. The Senator overlooks entirely the case of the owner of a small cafe, who has his savings, earnings, and his future tied up in his little business, which is operating in accordance with, not the law of the State, but the customs of the community. What little money is being made and saved comes from the customers which the cafe serves. To require by Federal law that that small cafe must serve customers regardless of race will mean that the owner may be denied the right to earn his livelihood. The owner of that cafe may not have saved much, may not have paid for all his fixtures, may even have a note at the bank. That person has some rights, too. Those rights should be protected. The bill would take those rights away from him. He might be left penniless, hopeless, and helpless. The bill seeks to force him to serve persons who could be served across the street.

Mr. HUMPHREY. I appreciate the problems which the Senator from Mississippi raises. I am not unmindful of them. I come from rather an ordinary family. We own a small, private business. We know what it means to pay bills.

Mr. STENNIS. The Senator from Minnesota has a good business. He operated it well.

Mr. HUMPHREY. I understand the problem to which the Senator refers. I appreciate his compliment about the business. I should like to put in a "commercial" for it.

Mr. STENNIS. I have read the story of the Senator's life and admired it greatly.

Mr. HUMPHREY. Nobody is forcing anybody to go anywhere. What is sought to be prevented is forcing people to be denied an opportunity to go where they wish, even though they are American citizens. I do not believe that if it were said that public places had to be open to the public, everyone would rush in. Most businessmen spend their time trying to induce the public to come in. Hundreds of hotels have gone bankrupt because they could not attract visitors. More restaurants go bankrupt than any other single line of business, except filling stations.

Mr. STENNIS. The owner of a small business cannot have a guarantee that his business will not go bankrupt.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Is the Senator from Mississippi familiar with situations such as the one I have in mind? A department store of which I have knowledge had separate lunch counters for white people and colored people. Some regard that as discrimination; but, one counter was as good as the other, and the same food was served at both. So I do not regard that as discrimination.

Some persons were determined to find insult and outrage because both races did not sit side by side at the counters,

with the white people alternating with the colored people. The result was that, after a number of protests and demonstrations, integration at the two lunch counters was forced. The result was that whereas previously the owners of the lunchroom had a veritable gold mine, from the point of view of making money, thereafter neither of the counters made much profit if any at all.

An argument which can be made in support of those who seek to force integration at restaurants and lunch counters is that if such integration were forced in every case, without exception, there would be no other place where white people could eat among their own kind, therefore all business would have equal chance to attract customers. But under such circumstances, would not the whites be denied the privilege of being served with others of their own kind—assuming that is what they would like? Furthermore, has not the Senator from Mississippi seen some indications that at least in some cases a considerable percentage of the colored race have pride in their own race and enjoy being with their own kind?

Mr. STENNIS. Certainly. The Senator from Louisiana has very well stated how the bill would disturb practices and customs.

In Mississippi there was a most popular eating place. Its patrons came from considerable distances. The counters were separated. But the food was fine, and everyone was happy. The colored people had the same food that the whites had; the music was fine; and everyone was happy.

But in came the marchers. They demanded that the colored people sit at the other counter. One thing led to another, and finally the entire establishment was disrupted. Within 2 or 3 months, after many parades and demonstrations, customers did not know what they would find in that cafe. The result was that the lady who owned it was financially ruined; she was unable to pay the notes she had at the bank.

So, whereas previously everyone had been happy, after those developments, everyone was unhappy; and instead of having a good business from which she made a good living, that lady is now bankrupt.

Similarly, I remember that when I was in New Mexico, we young people enjoyed ourselves visiting in the cafes there. The accommodations were virtually the same as those the Senator from Louisiana has described—accommodations on one side for the Causcasians, and other accommodations for the Mexican people; and everyone was happy. But in those days there was no strain or stress because of such a Federal law.

Mr. LONG of Louisiana. Is it not correct to state that at the time to which the Senator from Mississippi has referred, no one felt he was being discriminated against merely because he was not invited to go where he was not wanted?

Mr. STENNIS. Exactly. No one felt either inferior or superior.

I thank the Senator from Louisiana for his comments.

Mr. LONG of Louisiana. I thank the Senator from Mississippi for yielding for these questions.

Mr. HART. Mr. President, at this point will the Senator from Mississippi yield for a question?

Mr. STENNIS. I yield for a question.

Mr. HART. I hesitate to interrupt.

Mr. STENNIS. I am glad to yield for a question.

Mr. HART. I entered the Chamber a moment ago and heard the last comment of the Senator from Louisiana.

I wish to ask a question which is suggested by the statement that "everyone was happy": If the Federal Government sent a draft notice to a young Negro man in Michigan, and drafted him, put him in uniform, and sent him to a town in Mississippi; if in that town he could not get a cup of coffee unless he went to the back door of the restaurant, does the Senator from Mississippi think that man could be happy?

Mr. STENNIS. There is no such place as that in Mississippi; that is an extreme, imaginary illustration.

Mr. HART. How about the situation to which the Senator from Mississippi has referred—the restaurant in which, under the former conditions, everyone was happy; but difficulty developed, and the owner's notes at the bank became overdue. What about that situation?

Mr. STENNIS. In that connection, I refer to the other illustration I gave—the restaurant down the same street.

If it is said that some are unable to obtain food to eat, I point out that in Mississippi anyone who has money—and even those who do not have money—can eat.

Mr. HART. I hope the Senator from Mississippi understands that my reference to such a person in uniform does not limit the question to those in uniform.

Mr. STENNIS. I understand; and I was not attempting to give a short answer, either.

I do not feel that I am being discriminated against if I yield to the customs of the place where I am. I have never had the desire to go to a place where I did not feel I was wanted, or to a place which the customs and social practices of the people there would not let me visit: Others may have different ideas on that subject. There are many soldiers and sailors in Mississippi. I receive letters from many from other States who are stationed there. Most of them like the State of Mississippi fairly well, although some have taken exception and felt that they were mistreated or discriminated against, even though the matter involved use of private property.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield to the Senator from New York.

Mr. JAVITS. I have received many letters from travelers who have been on long trips in the South and who allege that they have traveled for as many as 100 miles without being able to find a motel that would take them in, because they were Negroes. Is the Senator aware of any such situation?

Mr. STENNIS. I cannot say that the Senator is incorrect. I would not know about that. But more and more and better and better accommodations for colored people are being constructed in my State; and I am very glad of it. Accommodations will continue to improve. There is no doubt—and I make no apologies for it—that our custom is to follow the practice of separation of the races.

Mr. JAVITS. Mr. President, no one has greater admiration for the Senator from Mississippi as a lawyer than do I.

Mr. STENNIS. I appreciate the Senator's statement.

Mr. JAVITS. I would like to pose a question to the Senator. The Senator knows me well enough to appreciate that I am not trying to move him into a corner. I know his views very well. But what deeply troubles me as a lawyer, and I believe what troubles many of us on this side of the question, is that in the case of the small cafe owner, the small druggist, and the small merchant generally—I believe the Senator well knows of my origin; I have not lost touch with them, I assure the Senator—business has the protection of the law in everything that it does.

The mere facts that the door is open, that one cannot break the window in, that the kitchen is kept sanitary, are due to the protection of the law. What deeply troubles us is that where protection of the law is afforded, all the protections of law must be afforded. We cannot have the store owner say, "I am sorry. I am going to accept so much of what the law allows, but I am not going to give the rest."

For example—and again I do not wish to be considered extreme, but I merely ask the Senator to think about it; I do not even ask him the question because, as I have said, I am not in any way interested in strategizing with the Senator—if we consider the case of a small owner of a pharmacy, the Senator and I know that if a pharmacist wanted to pander to the narcotics addict or to the doctor who is performing abortions or some other illegal practice, he could make a great deal of money. But because of the law, he does not do so, even if his failure to do so might mean that he would be put out of business.

That is parallel to what troubles us here. Notwithstanding local custom—and local custom was something which at the very latest had to go out with the 14th amendment—we equate the whole body of law as being totally enforcible upon all Americans and in favor of all Americans. That is the real moral and legal question which to our minds represents the real issue.

I thank the Senator.

Mr. STENNIS. I thank the Senator for his comment. The burden of the argument of the Senator from Mississippi is that, so far as the public accommodations provisions of the bill are concerned, we are without power under the Constitution to enact such a law. Such power has never been exercised to extend to the Federal Government the right to interfere in matters that are private.

I now consider the power of the Congress to enact this legislation under the commerce clause.

The power of Congress under the commerce clause differs from its power under the 14th amendment. The 14th amendment gives Congress only the power to enforce its provisions by appropriate legislation. It can prohibit no act of discrimination which is not already prohibited by the amendment. On the other hand, the power of Congress "to regulate commerce among the States" is somewhat broader. Under this clause Congress can regulate and prohibit activities which would not be prohibited in the absence of an act of Congress.

It has often been said that the power of Congress over commerce is "plenary." However, an examination of the reported cases reveals that this designation is a misnomer and, as such, is misleading. The criterion has always been the effect of an act upon commerce and not the source of the injury.

For example, in the 1824 case of *Gibbons* v. *Ogden*, 9 Wheat. 1, 196–197, it was recognized that the reference to commerce among the several States was "not one which would have been said to indicate the completely internal traffic of a State." In this case, in discussing the power of the Federal Government, Chief Justice Marshall stated that—

> Its action is to be applied to all external concerns of the Nation, and to those internal concerns which affect the States generally; but not to those which are completely within a particular State, which does not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the Government.

On several occasions the Supreme Court has held the Congress overreached its power under the commerce clause. In *United States* v. *Devitt*, 9 Wall. 41 (1869), the Supreme Court held unconstitutional an internal revenue provision making it a misdemeanor to mix for sale naphtha and illuminating oils, or to sell such mixture, on the ground that it was a regulation relating exclusively to the trade of the States and was not supported by the commerce power. The *Trade Mark Cases* (100 U.S. 82 (1879)), held unconstitutional the original Trade Mark Act and certain penal provisions for its enforcement because its language was intended to embrace commerce between citizens of the same State.

In the celebrated case of *Schechter Poultry Corporation* v. *United States*, 295 U.S. 495 (1935), the commerce power was said not to reach the sale of unfit chickens by a wholesale poultry dealer who purchased chickens shipped in from other States for resale to retail dealers. While acknowledging the power of the Congress to regulate intrastate matters "affecting" commerce as well as commerce itself, the Court held that it could not reach acts having only an indirect effect upon commerce, saying:

> But where the effect of intrastate transactions upon interstate commerce is merely indirect, such transactions remain within the domain of State power. If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the Federal authority would embrace practically all the activities of the people and the authority of the State over its domestic concerns would exist only by sufferance of the Federal Government.

I submit that this direct and concise statement fits the public accommodations title of H.R. 7152 like a glove.

In *Carter* v. *Carter Coal Co.*, 298 U.S. 238 (1936), the Court held that the Bituminous Coal Conservation Act of 1935 which, among other things, attempted to regulate the wages and hours of coal miners, could not be sustained under the commerce clause.

There are many other cases which hold that the power of Congress to regulate commerce exists only in cases where the activities involved have a direct and substantial effect upon interstate commerce. Obviously, so-called public accommodations do not fall into this category. There has been no showing that the alleged discriminatory practices restrain a substantial part of the commerce in a particular commodity. Nor has there been any showing that the right of an individual owner to choose his own customers restrains the movement of a substantial volume of goods which would otherwise move in interstate commerce. No serious argument has been advanced that the exercise by a businessman of his constitutional right to be individually, and even arbitrarily, selective in his dealings with the public places any burden upon interstate commerce or has any substantial effect on it.

From a review of the decided cases it seems clear to me that the transactions at which this title is directed are very far removed from having the direct and substantial effect on interstate commerce which is necessary to bring into play the operation of the commerce clause. To me it is ridiculous to conclude, as did the Attorney General in his testimony before the Senate Commerce Committee, that the smallest establishment is in interstate commerce simply because there are a number of other small establishments in the same area which are engaged in the same business and that "discrimination by many small establishments imposes a cumulative burden on interstate commerce."

Nor do I think that a case of a burden upon interstate commerce is made out or sustained by the mere allegation that certain interstate travelers are forced under present conditions to accept less pretentious accommodations than they would like. It is very hard for me to believe that the Senate will enact a statute calling for a social and economic revolution on the strength of these slender, unsupported, and unsubstantial allegations as to the effect of the proscribed activities on interstate commerce and the burden on commerce which is alleged to result.

Even in those cases where the Court has upheld a statute which extends the power of the Federal Government pursuant to the commerce clause, it has made it unmistakably clear that "the control of Congress over commerce among the States cannot be made a means of exercising powers not entrusted to it by the Constitution." The quoted remark is that of Chief Justice Holmes in the *Pipe Line Cases*, 234 U.S. 548 (1914).

In answering the question of whether Congress has the power to pass a law prohibiting alleged discrimination in places of public accommodation on the theory that they are substantially engaged in commerce, the statement of the Court in *Swift* v. *United States*, 196 U.S. 375, must be borne in mind. In that case, the Court said:

> Commerce among the States is not a technical legal conception, but a practical one, drawn from the course of business.

Thus an establishment is subject to regulation under the commerce power only if it is in fact engaged in commerce or if it substantially affects commerce. If it is not in fact engaged in commerce or if it does not substantially affect commerce, a legislative ipse dixit to the contrary cannot and will not make the commerce clause applicable.

We must also put emphasis upon the test of a substantial effect upon commerce. The relation to commerce of the subject or object to be regulated must be such that its regulation is necessary for the effective regulation of interstate commerce. As was said in Swift against United States, the effect upon commerce must not be "accidental, secondly, remote, or merely probable."

Local activities may be regulated under the commerce power only where those local activities are an actual and integral part of interstate commerce.

H.R. 7152 atempts to lay down several bases for the determination that the establishments covered by the bill affect commerce. However, these statements in and of themselves are not conclusive. The actual effect upon interstate commerce of the practice of catering to selected customers in private places of business must still be shown. It can only be on the basis of an objective determination that such practices exert a a real or substantial impact upon interstate commerce that the necessary link between local activity and interstate commerce can be found.

I submit that there is not one shred of evidence to support the hypothesis in title II that there are existing burdens obstructing and impeding commerce as a result of the absence of a Federal public accommodation law that require and demand the exercise by the Congress of its constitutional power over commerce. Certainly no evidence to this effect has been presented to the Senate. I think it is clear that those who drew this bill started with the conviction that alleged discrimination in privately owned places of public accommodations was to be prohibited. They then cast about for constitutional support for this action. The necessary result has been a head-on collision between confusion of their moral beliefs with basic constitutional principles.

We cannot afford to follow their lead in this action. It is our duty and obligation to take this proposed measure and to lay it beside the Constitution for the purpose of measuring whether the power granted to us by the Constitution includes the power to enact this statute.

The duty of exercising legislative restraint and conforming to constitutional limitations rests on us as Members of the U.S. Senate. I hope that we will not succumb to the temptation to shift our duty of evaluating the constitutional bounds of the commerce clause to another branch of the Government.

In the many cases dealing with the power of Congress to regulate intrastate transactions because they substantially affected interstate commerce it is noteworthy that there has always been a real and existent effect upon interstate commerce and not a hypothetical one. In none of the cases has there been one word which recognizes any power in Congress to regulate peculiarly local activities whose relation, if any, to interstate commerce is remote and unsubstantial.

It would be a strange doctrine indeed if we were to measure the relationship of a small lunch counter in Oklahoma to interstate commerce by the number of Idaho potatoes which it used in preparing its meals. It just does not make sense. There is no way in which logic can be stretched into the finding that the activities of this small lunch counter in selecting its few customers according to the proprietor's individual whims results in an economic effect or imposes a burden on the commerce of this great Nation.

Let us concede for the sake of argument that such selectivity of customers—or perhaps a sit-in demonstration in the lunch room—will cause one or two fewer sandwiches to be sold. Let us also concede that some ingredient used in the sandwiches is from out of the State. Does any Member of the Senate seriously contend that this would disrupt the flow of commerce to the extent that we, as national legislators, should regulate and control the local operations of this purely private business?

I am not asking whether or not you are philosophically in sympathy with the persons denied service or with those engaged in a sit-in demonstration. Nor am I asking whether you feel that the basic legal and constitutional rights of a private property owner to decide who is wanted and who is not wanted on his premises should be subordinated to your own ideas of social behavior. That is not the issue. The issue is whether or not we, as Senators of the United States, propose to seize upon such a slender reed and inject the Federal regulatory power into the most local of local activities.

There is no decided case which would uphold the power of the Congress to regulate purely local activity under the commerce power. The cases simply cannot be extended to give the Federal Government power to prohibit private property owners operating their own local businesses from choosing their own customers according to their own tastes. Congress has never before sought in the name of commerce to regulate the personal relationships involved in the serving of food and the furnishing of lodgings. It would be both a violation of the meaning of the commerce clause and a disservice to the Nation to extend the commerce clause into areas it was never intended to reach.

Let us examine the basic concept again. Congress may regulate the right to engage in interstate commerce or in activities affecting commerce if, and only if, there is a distinct and valid relation between the unobstructed operation of commerce and the proposed regulation. Therefore, in order for Congress to dictate whom local establishments may serve, it must first show that these establishments are in interstate commerce or that, though local, they are an integral part of that commerce. Secondly, it must show that there exists an actual connection between the free flow of commerce and the activity sought to be regulated. Neither of these requirements have been met here.

Congress' power over interstate commerce and its right of regulation of it is not unlimited. There are basic and inherent limitations on the right of the Congress to regulate activities affecting commerce. The Congress may not impose conditions which require the relinquishment of basic constitutional rights. As was said in *Frost* v. *Railroad Commission*, 271 U.S. 583 (1929):

> If Government could compel the surrender of one constitutional right as a condition for its favor, it might, in like manner, compel a surrender of all. It is inconceivable that guarantees embedded in the Constitution of the United States could thus be manipulated out of existence.

I have already discussed the 1883 civil rights cases which held that, under the 13th and 14th amendments, Congress did not have the power to pass a law prohibiting discrimination in places of public accommodation. In that decision the Court categorically declared that "no one will contend that the power to pass—this law—was contained in the Constitution before the adoption of the last three amendments." This, of course, was tantamount to saying that the commerce power did not support this legislation in 1883. For the same reason it does not support it in 1964.

That case has been referred to as the case of 1883. The commerce clause has been in the Constitution from the beginning. Therefore, in the 1883 decision the Court held that no law enacted by Congress could be predicated on the commerce clause of the Constitution.

Then, as recently as 1959, in the case of *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (4th Cir. 1959), the Court expressly held that "we do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State. As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select." This reasoning applies with full force to all of the privately owned places of public accommodation named in the bill.

So there was a decision in the earlier days of the Republic, in 1883, which necessarily passed upon the application of the commerce clause. The statute enacted by Congress in that case was very similar to the one now proposed. There was a case as recently as 1959, in which the express point dealt with was whether or not a restaurant owner dealing with persons traveling from State to State was subject to the commerce clause merely by reason of catering to such customers. The Court held that such a restaurant was not engaged in interstate commerce.

The second attempt to bottom a bill on a valid constitutional provision undertakes to say that dealing with interstate travelers alone, merely for lunch, for example, makes the restaurant itself, which is sitting on the side of the highway, engaged in interstate commerce. I think it is clear that the power to enact such legislation cannot be based upon or supported by the commerce clause of the Constitution.

Without impugning the purposes or motives of the proponents of this bill, I say that it is clear that the whole concept of title II is based upon a misconception of Federal power. In considering it, we must proceed calmly, deliberately, and impassionately, and with due respect for the limitations of the Constitution. If we do so, I believe that we will reject this proposal. If we do not, then the resulting abuse of power might very well impair the separate existence and independent self-government of the various States. Furthermore, it would take away the inherent rights of millions of people, regardless of their color, station, position, or activities.

Having discussed the constitutional infirmities of title II let me say a word about the practical difficulties which would be involved in the enforcement of it. Unquestionably these would be enormous.

Few, if any, would know which businesses were covered. Ultimately, the courts would have to make the determination. The proprietors of the hundreds of thousands of places of so-called public accommodation would not know themselves whether they were covered. They could find out, perhaps, by subjecting themselves to prosecutions for violations of the law, by spending their hard-earned money to obtain a judicial finding upon their liability, the validity of the legislation, and whether the statute covered their businesses. If convicted, they would then know that they were covered, but not before.

I do not know how many would be willing to take this risk, particularly with the vast might of the Federal Government arrayed against them. How could they compete on equal terms? How could they protect themselves against unfounded and unjust complaints by either crackpots or paid agitators? Would not this course of action involve bankruptcy for the small businessman who had all his life's savings, plus money borrowed from the bank, in his business?

To concede that one was covered by the act and to comply with it would involve equal risks. By accepting some patrons the proprietor would offend sub-

stantial numbers of his existing clientele who would then seek more tranquil surroundings in which to spend their money.

In either event, it would appear that the small businessman would be left with nothing but the economic wreckage of a once prosperous business. He would be left holding the bag—and his unpaid notes to the bank. The work of a lifetime would have gone down the drain.

It requires no exaggeration, not even the use of imagination, to make that statement. That is exactly what has happened. The damage will be greater if as a result of marches, and sit-ins, the power of the Federal Government is placed in the hands of the Attorney General and his vast staff so that they can drive out upon the great areas of the Nation, disrupting the customs, habits, and social patterns long followed in all the restaurants, hotels, and motels. It would cause the greatest confusion and disruption that any Federal undertaking ever brought about, with the possible exception of the experiences in the days when the Federal Government attempted to enforce the 18th amendment. Of course, that was on another subject, but it ran so contrary to the customs and habits of so many people in the large metropolitan areas of the country that that law was a failure and is now called the noble experiment. It was finally decided that the solution to the problem was not enforcement at the Federal level. Yet I believe that was a molehill compared to the mountain of problems that would result from enactment of the proposed law, and the widespread attempts that would be made to enforce such a measure.

This I do know: The job of enforcing the public accommodations section, if it becomes law, would make the admittedly impossible job of enforcing the "noble experiment" of the 18th amendment seem like child's play. It would require unlimited litigation which would clog the already overcrowded calendars of Federal courts to the breaking point. It would require hordes of Federal attorneys, investigators, marshals, and other personnel. Indeed, it seems altogether probable that the enactment of this title might solve or, at least, go a long way towards curing, our chronic unemployment problem. At least, this would be true if we do not take into consideration the vast numbers which the administration and operation of the bill would force out of business or put out of work.

The present difficulties caused by the legal "no man's" land in labor relations, and the multiplied legal difficulties which would result if the FEPC title of this bill is enacted, give us some concept of the legal jungle in which we will find ourselves if title II becomes law. The tremendous problems of enforcement, interpretation, and application which this measure would cause are incalculable and inconceivable.

I have spoken repeatedly of the private and individual rights which this bill would destroy. Let us consider some of them in more detail.

Undoubtedly this legislation would seriously impair the right of a private property owner to use, or restrict the use of, his property as he sees fit. This right of property is fundamental in our system of government, and, therefore, in contravening this fundamental right, this proposed legislation, enacted in name of preserving constitutional rights, would itself be unconstitutional.

The Founding Fathers equated the right of property with life and liberty. They are used in the same context and the same clause of the fifth amendment which declares that no person "shall be deprived of life, liberty, or property, without due process of law." The right of property is sacred and its protection is one of the most important objects of Government. According to American jurisprudence, this right embraces "all incidents which property may manifest. Within this right are included the right to acquire, hold, enjoy, possess, use, manage, insure, and improve property."

I am convinced that our Founding Fathers would be appalled at the inroads which have already been made upon the right of private property—inroads made in the name of a social and political philosophy which has sometimes ignored constitutional precepts and man's legitimate aspirations toward individualism and self-reliance.

When we advocate legislation to limit the right of an individual to use and enjoy his property as he sees fit, let us remember that we make the erosion of another individual's property rights that much easier. If the Congress can, under the pretext of legislating for the public good, specify, against the will of the owner, the uses to which his private property must be devoted, the constitutional rights of all of us are in jeopardy as never before. The erosive process which is thereby sanctioned for the elusive goal of the common good may result in the entire destruction of individual freedom as we know it. I hope that we will reject this attack upon the fundamental, natural, inherent, and inalienable right of property. This right is the essence of our constitutional jurisprudence and is the legacy of our natural law heritage.

There are those who argue that liberty and freedom of choice are not impinged upon by H.R. 7152. They assert that if a person who owns a place of public accommodation does not wish to submit to the compulsion of a law which dictates whom he must serve, he can simply discontinue doing business This argument, which seems to be based on a freedom of choice between surrendering constitutional rights and bankruptcy, ignores several fundamental principles. In reality, the property owner is given no choice, except a choice between the rock and the whirlpool. I do not believe that constitutional which I am discussing.

I think that my previous discussion of the dual bases advocated as support for the enactment of title II clearly reveals that this measure bears neither a reasonable nor an adequate relation to the power granted the Congress in the Constitution. In addition the discussion of the right of private property shows how one of the basic tenets of American constitutional law would be infringed by its passage.

The arbitrary nature of the proposed title II is starkly revealed by the testimony of Attorney General Kennedy before the Senate Commerce Committee. Listen to this exchange between Mr. Kennedy and Senator MONRONEY:

Senator MONRONEY. Lodgings are covered, if they are public and transients are served. Does that mean that all lodginghouses under your theory of the effect on interstate commerce would be under Federal regulation, regardless of whether the transients that were using the lodgings were intrastate or interstate?

Mr. KENNEDY. That is correct. If it is a lodging, a motel, that opens its doors to the general public, invites the general public, then it would be covered.

Senator MONRONEY. In other words, the business of running a lodginghouse therefore puts you in interstate commerce?

Mr. KENNEDY. Yes.

It is incredible, Mr. President, that we should be asked to give credence to such a contention. What Mr. Kennedy said, in effect, that any commercial establishment dealing with the public could be reached under the commerce clause regardless of whether or not it was engaged in interstate guarantees, which are carefully guarded against direct assault, are open to destruction by the indirect but no less effective process of requiring their surrender which, although it may be voluntary in form, is in reality based upon a very real compulsion. An option to forgo a privilege which is vital to one's livelihood or submit to an unconstitutional requirement is, on its face, an intolerable and illegal burden.

Let me again remind you of the words of Mr. Justice Harlan who, in his concurring opinion in *Peterson* v. *Greenville*, 373 U.S. 244 (1963), said:

An individual's right to restrict the use of his property * * * lies beyond the reach of the 14th amendment. Freedom of the individual to choose his associates or his neighbors; to use and dispose of his property as he sees fit; to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from Government interference.

Under the protective provisions of the fifth amendment no person can be deprived of his life, liberty, or property without due process of law. These guarantees are as operative against legislative action as they are against action of the courts. Due process is as much denied by arbitrary and unjustified congressional action as it is by judicial action which deprives an individual of his day in court or his right to justice. Due process demands that the legislative body, in performing its functions, justify any legislation which would curtail the time-honored right of a property owner to use his property as he sees fit. This has not been done in the case of the legislation commerce.

No respected legal scholar has ever suggested such a far-fetched theory. If the commerce clause can be stretched to such an extreme, then Federal power and authority could be used to achieve a completely planned economy by regulating all business—local and intrastate as

well as interstate—in matters connected with alleged civil rights.

I should like to say that again with emphasis. If under the emotional impulse of civil rights we are to stretch the commerce clause far enough and broadly enough to reach all the matters outlined in the bill, I submit to the American people that the last barrier of protection they might have in any of their private or business or social affairs is broken. The only exception is very innermost parts of the private homes.

Congress has jurisdiction over interstate commerce. If interstate commerce is to be extended, to the limits attempted here under authority of the commerce clause of the Constitution, there are no boundaries to it.

Incredibly, we are asked to stretch the commerce clause to reach even the tiniest of the allegedly covered businesses, even though it is admittedly not in interstate commerce, if cumulatively the "total operations" of it and all the other similar businesses taken together would exercise a "substantial" effect on interstate commerce.

In other words, the courts have held that a fragmentary or remote effect on interstate commerce will not give us jurisdiction. There must be a substantial impact. Those who argue for the bill say that a single little restaurant will not itself affect commerce substantially, but, they say, "There are a great number of little restaurants on the highway; and if we add them all together they have a substantial effect cumulatively on interstate commerce."

Mr. HART. Mr. President, will the Senator yield at that point?

Mr. STENNIS. I yield.

Mr. HART. Accepting the Senator's statement as a statement of fact, let us suppose that for 100 miles on the highway there are only tiny little restaurants, but, judging from a distance of 50 feet, a man is excluded from being served in any of those little restaurants because he is colored. Would that not affect interstate commerce?

Mr. STENNIS. It would have a very remote effect.

Mr. HART. It depends on how hungry a person becomes in a hundred miles, and how much he needs shelter.

Mr. STENNIS. The point I am arguing is that one little restaurant A would not have a substantial effect on interstate commerce.

Mr. HART. I was not talking about restaurant A. I was talking of restaurants A through AAA, in a stretch of road. I ask the Senator if such a situation does not affect interstate commerce.

Mr. STENNIS. To obtain jurisdiction over the little restaurant A under the theory of the proponents of this bill, it is necessary to consider all its activities, all its customers, all its present and expected business, and everything else, and to throw it in with a great many others. Then, and only then, according to the bill's proponents, can it be said that that small restaurant has a substantial effect on interstate commerce. My point is that we have no jurisdiction over it because its business is so remote from the standpoint of interstate commerce. I understand the Senator's position.

I ask Senators to listen again to Mr. Kennedy's testimony before the Senate Commerce Committee. He said:

> We intentionally did not make the size of a business the criterion for coverage because we believe that discrimination by many small establishments imposes a cumulative burden on interstate commerce.

I wish to make it clear that that was not my conclusion, but Mr. Kennedy's conclusion.

Based upon the interpretation of the Nation's highest legal official even before the bill is enacted, it is not too difficult to envision what this would mean to the lives, the property, the fortunes, and the very existence of the small restaurant owners, motel owners, theater owners, lodginghouse owners, and the like, who would allegedly be covered by this bill and forced to answer a charge that they were engaged in interstate commerce—not because of what they did—but because they and others cumulatively were engaged in operations which collectively affected interstate commerce.

The testimony of Mr. Kennedy evoked a pertinent comment from the distinguished Senator from Oklahoma [Mr. MONRONEY], and I commend him for it. It was:

> Many of us are worried about what the use of the interstate commerce clause will have on matters which have been for more than 170 years thought to be within the realm of local control under our dual system of State and Federal Government, based on the doctrine that those powers which were not specifically granted to the Federal Government by the Constitution are reserved to the States.

Let me also point out that Mr. Kennedy's testimony before the Commerce Committee revealed that he apparently does not recognize the distinction between a statute which compels racial segregation and one which grants freedom of choice. When he appeared he placed in the record a document entitled "State or Local Laws Compelling Racial Segregations in Public Accommodations." Under the heading "State Segregation Statutes," he listed section 2046.5, Mississippi Code of 1942. He would have found, if he had bothered to completely read this statute, that it does not compel segregation. To the contrary, it provides for freedom of choice and authorizes the owner of an establishment to sell to whom he pleases and, if he so desires, to refuse to sell to, wait upon, or serve a person that he does not desire to do business with.

This is a right which I believe is one which is inherent in the concept of individual liberty and which is protected by the fifth amendment. This means, in my judgment, that the Federal Government cannot—even in pursuance of a nebulous concept of public welfare—pass a law dictating to the owner of an establishment those customers he must serve. It means that a private owner has the basic liberty to choose, according to his own desires—be they arbitrary, capricious, or even irrational—the persons with whom he will do business.

More and more, Mr. President, there has been an intrusion of national authority into matters which were heretofore conceded to be of purely local consideration and concern. It therefore becomes increasingly imperative that the Federal Government respect those principles which mark the line of demarcation between Federal and State authority. As we debate this new and radical proposal for a quantum jump in Federal intrusion, let us remember the words of the Court in *Carter* v. *Carter Coal Co.*, 297 U.S. 238 (1936). They were:

> Every journey to a forbidden end begins with the first step, and the danger of such a step by the Federal Government in the direction of taking over the powers of the States is that the end of the journey may find the States so despoiled of their powers, or—what may amount to the same thing—so relieved of the responsibilities which possession of the power necessarily enjoins, as to reduce them to little more than geographical subdivisions of the national domain.

Let us not, in misguided but impassioned enthusiasm, undermine our great Constitution—the repository of all our liberties. Instead let us dedicate ourselves to upholding the principles upon which the Constitution was built. Let us reject title II and thereby insure that individuals will have the right to say what they please, to associate with those whom they choose, to use their property as they see fit, and to operate their private businesses in the manner which they desire.

In closing, Mr. President, if I may be permitted to paraphrase a popular safety slogan, I would say this to my fellow Senators: Be careful of what you do. The constitution you destroy may be our own.

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

Mr. STENNIS. I yield.

Mr. SPARKMAN. I compliment the Senator from Mississippi most heartily on an excellent presentation.

Mr. STENNIS. I thank the Senator.

Mr. SPARKMAN. I was thinking as the Senator was speaking—and I wish to ask if the Senator agrees with me—of a quotation from Justice Brandeis, given yesterday by my colleague, the senior Senator from Alabama. Justice Brandeis was one of the all-time liberal Justices, and a clear thinker.

Justice Brandeis is quoted as saying:

> Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient.
>
> Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding.

Does the Senator from Mississippi think that is very real and pertinent at this time?

Mr. STENNIS. Very real; and it certainly is applicable. The Senator from Mississippi, along with the Senator from Alabama, I am sure, as young men, or perhaps only boys, remember when Justice Brandeis was nominated for the Supreme Court of the United States.

Mr. SPARKMAN. I do.

Mr. STENNIS. I remember that Justice Brandeis was opposed in the Senate on the ground that he had extremely liberal views. Many people believed his

views were not in keeping with our constitutional principles. Justice Brandeis was known as a man of impeccable character, lofty standards, and a great mind. He adorned the Court with great learning and pointed out clearly the fundamentals of our Constitution, our liberties, and our rights.

I thank the Senator for making that very fine remark, which is an excellent closing.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 74 Leg.]

Aiken	Gruening	Morton
Allott	Hart	Moss
Anderson	Hartke	Muskie
Bartlett	Hayden	Neuberger
Bayh	Hickenlooper	Pastore
Beall	Hill	Pearson
Bennett	Holland	Pell
Bible	Hruska	Prouty
Boggs	Humphrey	Proxmire
Byrd, Va.	Inouye	Ribicoff
Byrd, W. Va.	Javits	Robertson
Cannon	Johnston	Russell
Carlson	Jordan, N.C.	Saltonstall
Case	Jordan, Idaho	Scott
Church	Keating	Simpson
Clark	Kuchel	Smathers
Cooper	Lausche	Smith
Curtis	Long, Mo.	Sparkman
Dirksen	Long, La.	Stennis
Dodd	Magnuson	Talmadge
Dominick	Mansfield	Thurmond
Douglas	McClellan	Walters
Eastland	McGovern	Williams, N.J.
Ellender	McNamara	Williams, Del.
Ervin	Metcalf	Yarborough
Fong	Miller	Young, N. Dak.
Goldwater	Monroney	Young, Ohio
Gore	Morse	

The PRESIDING OFFICER (Mr. INOUYE in the chair). A quorum is present.

THE UNITED STATES SHOULD GET OUT OF VIETNAM

Mr. GRUENING. Mr. President, the mess in Vietnam was inherited by President Johnson.

Over 10 years ago, after a careful study of the situation in Indochino, a report was made to the Senate outlining the following conditions for success in that troubled area of the world:

> The basic problem which confronts all three governments and particularly that of Vietnam is to put down firm roots in their respective populations. They will be able to do so only if they evolve in accord with popular sentiment and they deal competently with such basic problems as illiteracy, public health, excessive population in the deltas, inequities in labor, and land tenure, and village and agricultural improvements. Finally, it is essential that there be a constant rising of the ethical standards of government and a determination to use the armies, now the process of formation, strictly for national rather than private purposes. Failure in these fundamental responsibilities of self-government will result in the achievement of the shadow rather than the substance of independence. It could also mean the rapid reduction of the three nations to chaos and the subsequent intrusion of some new form of foreign domination from close at hand.

The date of that report was October 27, 1953, over 10 years ago.

The person making the report was our very able and distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], whose knowledge of that area of the world is most extensive. With respect to South Vietnam, the recommendations of the Senator from Montana, were prophetic, but they went unheeded.

History shows that the major causes of the deterioration, not only of the U.S. poistion, but also of the position of the South Vietnamese governments, have been actions by the South Vietnamese government contrary to the advice offered by the distinguished majority leader 10 years ago.

The war in South Vietnam is not and never has been a U.S. war. It is and must remain a fight to be fought and won by the people of South Vietnam themselves. The will to fight and win must come from the spirit of the South Vietnamese. The United States cannot instill that will in them.

For 14 years now the United States has helped the South Vietnamese with men, money, and material in generous amounts. I ask unanimous consent that there be printed at this point in my remarks a table showing the amounts of aid loaned or granted for this area over the years.

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

U.S. military and economic aid to Laos, Cambodia, and South Vietnam, fiscal years 1954 to 1963, inclusive

[In millions of dollars]

Year	Laos	Cambodia	South Vietnam
1954			0.1
1955	40.9	38.2	325.8
1956	76.5	70.8	383.6
1957	48.7	55.3	391.6
1958	36.9	36.1	242.0
1959	32.6	29.6	249.0
1960	55.5	26.0	251.4
1961	64.2	28.1	209.6
1962	64.1	39.9	287.2
1963	36.8	29.2	208.1

Mr. GRUENING. Why have these been unavailing in bringing security to South Vietnam from the Communist-led attacks of the Vietcong? As Sam Castan, Look senior editor, wrote on January 28, 1964:

> But in spite of our noble intent, our massive aid and all the small acts of selfless heroism our men have performed in its behalf, South Vietnam's path to peace is cluttered by the debris of mistakes that America either made or endorsed.

I ask unanimous consent that the entire article by Mr. Castan entitled "Vietnam's Two Wars" be printed in full in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRUENING. It is to the past then, rather than to the events of recent days and months, that we must look for the answer to the "why" of the present dilemma of the United States in South Vietnam.

When President Eisenhower took office in January 1953, the war in Indochina was not going well. It was a French war, fought with French troops as well as the troops of Laos Cambodia, and Vietnam. U.S. military and economic aid had been going to the French in ever-increasing amounts as the drain of maintaining a fighting force of a quarter of a million men and of supporting three Indochinese national armies numbering 120,000 men increased.

In reviewing the situation on January 27, 1953—6 days after taking office—Secretary of State John Foster Dulles stated:

> Now the Soviet Russians are making a drive to get Japan, not only through what they are doing in northern areas of the islands and in Korea, but also through what they are doing in Indochina. If they could get this peninsula of Indochina, Siam, Burma, Malaya, they would have what is called the rice bowl of Asia. That's the area from which the great peoples of Asia, great countries of Asia, such as Japan and India, get in large measure, their food. And you can see that if the Soviet Union had control of the rice bowl of Asia, that would be another weapon which would tend to expand their control into Japan and into India. That is a growing danger and it is not only a bad situation because of the threat in the Asian countries that I refer to but also because the French who are doing much of the fighting there are making great effort and that effort subtracts just that much from the capacity of their building a European army and making the contribution which otherwise they could be expected to make.

In terms of fighting men, France was there as the only major power on the scene because the three countries had been and were French colonies. While they had been given independence in 1949, the independence was with respect to internal affairs only. They were still within the French Union and France had an obligation to them to help fight the Communist-supported internal fighting they faced.

But the long supply lines and the fierce fighting continued to sap French strength.

Then came the tragic events at Dienbienphu in March 1954. The Communists under Ho Chi Minh attacked that fortress in force.

Those were the days of brinkmanship, of massive retaliation and of the domino theory—policies proclaimed by Secretary of State John Foster Dulles.

While the fighting was taking place, Gen. Paul Ely, French chief of staff, flew to Washington to inform the Eisenhower administration that the French could not hold out much longer and needed direct U.S. intervention.

This request precipitated a behind the scenes struggle at the highest levels of Government circles both here in Washington and in London.

While General Ely was still in town, Secretary of State Dulles held a news conference in which he stated that what military aid was given to France was a military matter and that "if there are further requests of that kind that are made, I have no doubt that our military or defense people will attempt to meet them."

I ask unanimous consent that the text of Secretary Dulles' news conference on March 23, 1954, be printed in full in the RECORD, at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. GRUENING. Mr. Fletcher Knebel, well-known Washington correspondent, in an article in Look on February 8, 1955, gave a forceful account of maneuverings in high places in Washington and London in those fateful, early days of 1954 when the United States stood on the brink of an all-out invasion of Vietnam.

According to Mr. Knebel, Adm. Arthur W. Radford, then Chairman of the Joint Chiefs of Staff, advocated an immediate airstrike from carriers; Gen. Matthew B. Ridgway, Army Chief of Staff, was opposed since he believed that such a strike could lead to all-out intervention; Admiral Carney, Chief of Naval Operations, and Gen. Nathan F. Twining, Air Force Chief of Staff, felt that, while an airstrike might help the French at Dienbienphu, more force would be needed to win the fight in Vietnam.

President Eisenhower, according to Knebel, agreed with Admiral Radford on two conditions: That the United States be joined in the action by other allies; namely, Great Britain; and that congressional approval be obtained for the action. Since neither condition could be met, the United States moved back safely from the brink.

I ask unanimous consent that that portion of Mr. Knebel's article dealing with Indochina be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. GRUENING. Dienbienphu fell on May 7, 1954.

At Geneva on July 21, 1954, delegates from Great Britain and the U.S.S.R., France, the United States, Communist China, Cambodia, Laos, Vietnam, and the Vietminh came to a settlement to resolve the fighting in Vietnam. The main provisions of the agreement concerning Vietnam were as follows:

First. Vietnam was to be partitioned along the 17th parallel into North and South Vietnam.

Second. Regulations were imposed on foreign military personnel and on increased armaments.

Third. Countrywide elections, leading to the reunification of North and South Vietnam, were to be held by July 20, 1956.

Fourth. An International Control Commission—ICC—was to be established to supervise the implementation of the agreements.

The United States was not a signatory of the agreement, but issued a statement, unilaterally, stating that—

> It (1) will refrain from the threat or the use of force to disturb the Geneva Agreements; (2) would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security," and (3) shall continue to seek to achieve unity through free elections, supervised by the U.N. to insure that they are conducted fairly.

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

Mr. GRUENING. I yield with pleasure.

Mr. MORSE. I may say to the Senator from Alaska that I had planned to sit through every word of his speech. I had expected it would come earlier this afternoon. Unfortunately, I must go to an official conference. I assure the Senator from Alaska that I have read every word of his speech. I would have the RECORD today show that the senior Senator from Oregon thinks this is one of the great speeches in this session of the Congress on foreign policy. I associate myself with every word of the speech.

I am awaiting my Government's answer to it. In my judgment, there is no answer to the Senator's speech. There is no justification for killing a single American boy in South Vietnam. It is about time the American people awakened to what is going on in South Vietnam and recognized that South Vietnam is beyond the perimeter of American defense. There is no justification for murdering a single American boy in South Vietnam, for the issue has now become one of murder.

Everyone knows that if we got into a war with Russia or Red China it would be a nuclear war, not a conventional war. I do not know what we are doing over there with a conventional program.

Furthermore, as the Senator pointed out, where are our alleged allies in South Vietnam? In contrast with South Korea, where are our friends there? So long as we are willing to pay 99 percent of the bill and spill American blood, they will be satisfied.

If my Government wants to make this an issue across the land, I am willing to have it become an issue; but I do not intend to vote for a single dollar for operations in South Vietnam or to give support to the American Secretary of Defense who is bespeaking American foreign policy with no right to do so.

South Vietnam is not worth the life of a single American boy. I say to my administration that I have no intention of giving any support whatsoever to continuing the cost in blood and money for operations in South Vietnam that cannot be justified on the ground of American defense or on any other ground.

The Senator from Alaska has set forth the issue in his speech in terms so unanswerable that the American people have a right to say to the administration, "What is your answer?" I wait for the answer.

Mr. GRUENING. I thank the Senator for his helpful comment.

Within 2 months, on September 8, 1954, the Governments of Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom, and the United States signed a collective security pact at Manila, known as the Southeast Asia Collective Defense Treaty. Laos, Cambodia, and Vietnam were not parties to this treaty, but by a simultaneous protocol to the treaty all the parties to the original treaty agreed to include the territories of those three nations in the territory protected by the treaty from "armed attack and counter subversive activities directed from without against their territorial integrity and political stability."

The United States made it clear to all the signatories that the type of aggression it considered itself bound to prevent was Communist aggression. As Secretary of State Dulles explained it:

> We stipulated on behalf of the United States, however, that the only armed attack in that area which we would regard as necessarily dangerous to our peace and security would be a Communist armed attack.

In his address to the Nation on September 15, 1954, explaining the action taken at Manila, Secretary Dulles first reiterated his concept of the domino theory of possible events in southeast Asia in the following words:

> Any significant expansion of the Communist world, would, indeed, be a danger to the United States, because international communism thinks in terms of ultimately using its power position against the United States. Therefore, we could honestly say, using the words that President Monroe used in proclaiming his Doctrine, that Communist armed aggression in southeast Asia would, in fact, endanger our peace and security and call for counteraction on our part.

Secretary of State Dulles had explained the domino theory at an earlier news conference on May 11, 1954, in the following words: Asked if the plan for collective security could succeed if one or more of its segments were lost to the Communists, Secretary Dulles replied:

> The situation in that area, as we found it, was that it was subject to the so-called domino theory. You mean that if one went, another would go? We are trying to change it so that would not be the case. That is the whole theory of collective security. You generally have a whole series of countries which can be picked up one by one. That is the whole theory of the North Atlantic Treaty. As the nations come together, then the domino theory, so-called, ceases to apply. And what we are trying to do is create a situation in southeast Asia where the domino situation will not apply. And while I see it has been said that I felt that southeast Asia could be secured even without perhaps Vietnam, Laos, and Cambodia, I do not want for a minute to underestimate the importance of those countries nor do I want for a minute to give the impression that we believe that they are going to be lost or that we have given up trying to prevent their being lost. On the contrary, we recognize that they are extremely important and that the problem of saving southeast Asia is far more difficult if they are lost. But I do not want to give the impression, either, that if events that we could not control and which we do not anticipate should lead to their being lost, that we would consider the whole situation hopeless, and we would give up in despair. We do not give up in despair. Also, we do not give up Vietnam, Laos, or Cambodia.

In his nationwide address on September 15, 1954, on the Southeast Asia Treaty, Secretary of State Dulles also expounded his massive retaliation theories of how to contain communism anywhere in the world, anytime, at the least cost:

> We considered at Manila how to implement the treaty. One possibility was to create a joint military force. However, I explained that the U.S. responsibilities were so vast and so far flung that we believed that we would serve best, not by earmarking forces for particular areas of the Far East, but by developing the deterrent of mobile striking power, plus strategically placed reserves.
>
> This viewpoint was accepted. Thus, the treaty will not require us to make material changes in our military plans. These plans

already call for our maintaining at all times powerful naval and air forces in the Western Pacific capable of striking at any aggressor by means and at places of our choosing. The deterrent power we thus create can protect many, as effectively as it protects one.

I ask unanimous consent that a summary of events in Vietnam from the time of the Geneva agreements as prepared by the Library of Congress be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. GRUENING. Mr. President, by January 1, 1955, U.S. aid began to flow directly to South Vietnam and on February 12, 1955, a U.S. military assistance advisory group took over the training of the South Vietnamese army. Previously, U.S. aid had been given through France.

In October 1955, the Eisenhower administration picked Ngo Dinh Diem to rule South Vietnam.

There may be some room for disagreement as to whether Diem was a poor choice for the job to begin with or whether, after having come to power, the thirst for more and more power on his part and on the part of his many relatives, whom he placed in high governmental posts, became insatiable.

Seven months before the former emperor, Bao Dai, was deposed on October 23, 1955, in a national referendum in which Diem received 98 percent of the votes, Diem met and greatly impressed Secretary of State Dulles. In a nationwide broadcast on March 8, 1955, Secretary Dulles said:

I was much impressed by Prime Minister Diem. He is a true patriot, dedicated to independence and to the enjoyment by his people of political and religious freedoms. He now has a program for agricultural reform. If it is effectively executed, it will both assist in the resettlement of the refugees and provide his country with a sounder agricultural system. I am convinced that his Government deserves the support which the United States is giving to help to create an efficient, loyal military force and sounder economic conditions.

Ngo Dinh Diem ruled South Vietnam from October 23, 1955, until the coup of November 2, 1963, deposed him. As the guerrilla fighting intensified through the years, so did the mismanagement and corruption of the Diem government. It became increasingly oppressive, trampling the rights of individuals and ignoring the necessity for economic reforms to benefit the people.

There is no room for disagreement concerning the fact that the United States condoned or ignored actions by Diem and his ruling relatives calculated to antagonize the people on whose support any stable South Vietnamese Government must rest—or fall.

As Jerry A. Rose stated in the New Republic on October 12, 1963:

For some reason, diplomats, soldiers in the field, and politicians in Washington are unable to grasp the importance of the people. While forever raising wet fingers to the wind of public opinion in the United States, the policymakers appear to operate on the belief that Asian people have no opinions, and even if they did have an opinion, it would carry no weight. A good Gallup poll would easily disprove the former proposition, and history has proved time and again the fallacy of the latter.

I ask unanimous consent to have Mr. Rose's article entitled "Dead End in Vietnam" be printed in full in the RECORD at the conclusion of my remarks.

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

(See exhibit 5.)

Mr. GRUENING. The recent spate of optimistic announcements from the Pentagon on how well the war in South Vietnam is going—despite contrary reports from trained observers on the scene—only carries on a tradition begun in the earliest days of U.S. participation in the fighting in Vietnam.

Thus, in July 1956, in the face of continued Vietcong sabotage and virulent propaganda, Vice President Nixon addressing the first Constituent Assembly of South Vietnam, stated that "the militant march of communism has been halted." But by the middle of the next year, Vietcong guerrilla bands stepped up their attacks, bombing U.S., MAAG and USIS installations and attacking settlements near Saigon.

Mr. Nixon's overoptimistic statement in July 1956 is on a par with his statement in October 1960, when he stated:

As far as Indochina was concerned, I stated over and over again that it was essential during that period that the United States make it clear that we would not tolerate Indochina falling under Communist domination. Now, as a result of our taking the strong stand that we did, the civil war there was ended, and today we do have a strong free bastion there.

Vietcong guerrilla activities, reinforced by arms and men from North Vietnam, increased greatly during Diem's regime.

So did corruption and the oppression of the people.

As Castan states in his article already referred to:

To his [Diem's] personal credit, he allegedly managed, again with American aid, to amass a personal fortune of some $50 million during the same period. Diem changed—too slowly for our then Ambassador Frederick J. Nolting, an intimate friend of both Diem and his charming sister-in-law, Mme. Ngo Dinh Nhu, to notice. Too slowly for Gen. Paul D. Harkins, boss of our military-assistance command, to notice. No one, in fact, noticed until we found that we had been duped into complicity, and were compounding by assent the mistakes of Diem and his family.

In the face of increasingly serious guerrilla activity, the so-called strategic hamlet plan was instituted in 1961. It was copied from Malaya, but served only to make it easier for the guerrillas to capture arms and supplies. It was a failure also as a means of isolating Diem's opponents.

Two accounts illustrate the hows and the whys of the failure of the strategic hamlet plan:

The first is related in the article before referred to by Castan:

Plei Ia Miah, one of the hamlets, is an example. "The soldiers forced us out of our huts," said the village chief, shortly before the November coup d'etat, "and told us that a fortified village was ready for us in the valley. 'Can we take our land?' we asked. Two men refused to leave our ancestral home and were shot. It took us 60 days to march here. We have no land to farm, and if the Government doesn't give us food soon, we'll have to sell the pigs and buffalo we brought with us. The Vietcong come at night for our weapons. We give them the weapons. Why should we die for weapons?"

The second is from a Reporter article by Bernard Fall in the October 24, 1963. issue. I ask unanimous consent to have the article printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 6.)

Mr. GRUENING. Reading from the Fall article:

There is not one plantation that has not been attacked or partly pillaged several times by the Vietcong during the past 5 years, and which has not seen several of its French personnel kidnaped and held for ransom or killed. During the Indochina war, the plantations had been allowed to arm themselves and maintained militia forces at their own expense. When Ngo Dinh Diem came to power he ordered all plantations disarmed and they thus became military liabilities.

The plantation managers now keep in business by closing their eyes to the Vietcong emissaries who come to the workers' villages and exact tribute; they silently pay millions of piasters of ransom to the Vietcong—and as much again to bribe South Vietnamese authorities to allow them to operate. Here and there, the Saigon-controlled press announces that a French plantation was fined tens of millions of piasters (a million dollars or more) for "economic violations." Everybody knows what that means, and business goes on as usual.

The oppression of the people by Diem's secret police was intensified.

In the summer of 1963, Diem turned on the Buddhists and the students, with wholesale arrests and imprisonments.

And yet all through these years from 1955 to the November 1963 coup, Diem was shored up and kept in office with billions of American dollars and as at present as many as 17,000 American troops. The people of South Vietnam knew this. The United States won no friends and influenced no Vietnamese people when Buddhist priests were driven off to concentration camps in AID vehicles by Diem's secret police, who were paid by U.S. funds.

In the light of Diem's long years of corrupt and repressive rule, the two coups in Vietnam last year should have come as no surprise to anyone. The surprise lies in the fact that they did not occur sooner.

As I have said, the roots of the present dilemma of the United States reach back to 1955 and to the years of condoning corruption, misrule, and repression. Diem lost whatever support he had from the people through the use of U.S. money and U.S. arms.

Where do we turn now for our solution in South Vietnam?

The United States must start with one basic truth which should be constantly reiterated: the fight in South Vietnam can be won only by the South Vietnamese. Even if the United States would or could, the fight in South Vietnam cannot be won by making of that country a colony of the United States. The French tried and failed, even though they used a quarter of a million troops.

The question is this: After 20 bloody years of conflict, have the people of South Vietnam and the Government of South Vietnam the will and the capacity to fight to win? Putting it in other terms, Mr. President, has the present Government of South Vietnam the ability and the stability to wage the fight or is it obliged to look over its shoulder constantly in fear of another coup?

If there is no heart to fight in the people of South Vietnam, the sooner we face that fact the better off we shall be. Since a victory in South Vietnam can come only through a victory by the South Vietnamese themselves, if the people and the Government do not want to continue the fight in a manner conducive to victory, it is contrary to the best interests of the United States to remain there.

Some urge stepped-up military activity on the part of the United States, including carrying the war to North Vietnam. Even disregarding—which we should not—the grave possibility of drawing Red China into the fray in a Korean-type engagement, there are serious drawbacks to such a course of action. The first is the unwillingness of the South Vietnamese to follow such a course of action. The second, of course, is the fact that this is not solely an engagement between South and North Vietnamese. South Vietnamese are fighting South Vietnamese in a country divided within itself.

A comparison with Korea is not appropriate. There we had South Koreans who had the will to fight and win. And secondly, South Korea was not a country divided within itself.

And finally, there is one important difference between the situation as it exists in Vietnam and the situation as it existed in Korea. This is a difference which many people who are urging an escalation of U.S. armed effort in South Vietnam conveniently do not mention. In Vietnam we are alone—in Korea we were in there as part of a United Nations effort.

Fighting side by side with American troops in Korea were troops from Australia, Belgium, Britain, Canada, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, New Zealand, the Philippines, South Africa, Thailand, and Turkey.

Where are our allies in South Vietnam?

The 1954 Southeast Asia Collective Defense Treaty was signed by eight nations—Australia, France, New Zealand, Pakistan, the Republic of the Philippines, Thailand, the United Kingdom, and the United States.

We do not read in the headlines about the officers and men of the other signatory countries being killed in the jungles of South Vietnam. We do not read about them because they are not there. Over 200 Americans have been killed in South Vietnam, 115 of them in direct combat. The United States is all alone in the fight there and the prospects are that it will continue to fight alone there.

To give my colleagues some idea of the confusion prevailing in South Vietnam in the military command there and of the conditions under which U.S. troops are fighting, I ask unanimous consent that an article in the Washington Daily News by Jim Lucas on March 6, 1964, be printed in full at the conclusion of my remarks.

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

(See exhibit 7.)

Mr. GRUENING. Mr. President, describing the "Spoils for Generals" after the most recent coup by Maj. Gen. Nguyen Khanh, Time magazine for February 14, 1964, stated:

> It is far from certain that all the military are behind him. But he has rewarded his chief collaborators handsomely. Maj. Gen. Tran Thien Khiem, whose III Corps troops arrested former Junta Boss General Duong Van (Big) Minh, got the No. 2 military job as Defense Minister and Commander in Chief. But among the ranks of Khanh's new, expanded, 53-man junta (8 major generals, 9 brigadier generals, 25 colonels, 10 lieutenant colonels, 1 major), there was endless wrangling over the lesser spoils. Many a junior officer was disgusted.

The theory has been advanced that the United States has no alternative but to remain in South Vietnam regardless of the course of action followed by the people and the government of South Vietnam. This theory follows the line that if we pulled our support out of South Vietnam now, it would quickly be taken over by the Vietcong who in turn would be controlled by North Vietnam which in turn would be controlled by Red China. The theory then continues that if this happens then Cambodia and Laos would also fall "like a row of dominoes" to Red China. This is a continuance 10 years later of Secretary Dulles' domino theory.

Recent actions on the part of Cambodia in seeking its own neutralization cast considerable doubt on this theory. Cambodia, the middle domino, fell out of its own accord. The $300 million we have spent there was totally wasted. Moreover Cambodia action took the United States by surprise. We were ill informed. How well informed are we in this whole area? The repeated optimistic statements of our officials in the past have been promptly refuted by events.

The distinguished majority leader [Mr. MANSFIELD], on Monday, March 2, stated:

> I think the best thing our country can do is reassess its foreign policy insofar as it is possible to do so, face up to the realities of today, and not depend so much on the wishes of yesterday.

In no area of our foreign policy is such a reassessment of our foreign policy needed than with respect to the policy we are pursuing in Vietnam.

The United States should no longer permit the dead hand of past mistakes to guide the course of our future actions in South Vietnam.

President Johnson, by virtue of the fact that his control of U.S. foreign policy is so recent, is in the best possible position to make the reassessment of our foreign policy suggested by Senator MANSFIELD and not permit himself to be bound by a past made by his predecessors. The domino theory is not President Johnson's—it is a theory advanced by Secretary of State Dulles during the Eisenhower administration and, as in the case of Cambodia, already proven fallacious.

A few days ago, the senior Senator from Montana [Mr. MANSFIELD] took an enlightened stand with respect to the attempt by the President of France to put forth a solution for the deteriorating situation in South Vietnam. He stated:

> It seems to me most glib to make light of the admittedly unsatisfactory situation in Laos or the unhappy state of our relations with Cambodia as a basis for any offhand rejection of De Gaulle's essay at a new approach to Indochina and southeast Asia.

I commend the majority leader for his statesmanlike approach to an admittedly difficult situation and join him in his statements on this subject. His statement of February 19, 1964, should be carefully studied in any reevaluation of our foreign policy in Indochina.

I also wish to commend my able colleague, Senator BARTLETT, for his excellent analysis of the Vietnam situation a few weeks ago and for his plea for less rigidity in our policy in Indochina; he stated:

> It is important, however, in our Asian policies, that we strive to achieve flexibility, flexibility which our policies in recent years have failed to have. We cannot allow ourselves to be frozen forever with a rigid policy hoary with age. In Asia as elsewhere we must be willing to discuss anything with anybody who is willing to discuss in a rational and responsible manner. We are the greatest power on earth and we have no need to fear Red China and no need to fear negotiations.

I also wish to commend the able senior Senator from Oregon [Mr. MORSE] for his splendid speech last week on this same topic. Senator MORSE pointed out cogently that—

> American unilateral participation in the war in South Vietnam cannot be justified and will not be justified in American history * * * we have always considered Southeast Asia to be beyond the perimeter of U.S. defense. Southeast Asia is not essential to U.S. defense. Southeast Asia may very well be essential to the defense of some of our allies, but where are they? They ran out on us.

And more pointedly, in response to a question from Senator ELLENDER what Senator MORSE would advise we should do in South Vietnam, Senator MORSE answered with his usual forthrightness:

> We should never have gone in. We should never have stayed in. We should get out.

And Senator ELLENDER seconded that clear—and in my judgment thoroughly correct and realistic counsel—by saying:

> I have been advocating such a course of action. After my last visit there, I again stated that we should never have gone in there and that we should get out. My advice was never heeded. That is my advice today.

Had this advice of Senator ELLENDER given some time ago, now repeated by him and reaffirmed by Senator MORSE been heeded 200 precious American lives would not have been lost. These are far more important than the billions of dollars we have now wasted in seeking vainly in this remote jungle to shore up selfserving corrupt dynasts or their self-imposed successors and a people that has

conclusively demonstrated that it has no will to save itself.

I consider the life of one American worth more than this putrid mess. I consider that every additional life that is sacrificed in this forlorn venture a tragedy. Some day—not distant—if this sacrificing continues, it will be denounced as a crime.

I would ask my colleagues and indeed American fathers and mothers this question:

If your drafted son is sent to Vietnam and is killed there would you feel that he had died for our country?

I can answer that question for myself. I would feel very definitely that he had not died for our country, but had been mistakenly sacrificed in behalf of an inherited folly.

Let us do a little hard rethinking. Must the United States be expected to jump into every fracas all over the world, to go it all alone, at the cost of our youngsters' lives, and stay in blindly and stubbornly when a decade of bitter experience has shown us that the expenditure of blood and treasure has resulted in failure?

Shall we not, if taught anything by this tragic experience, consider that of the three alternatives: First, to continue this bloody and wanton stalemate; second, to go in "all out" for a full-scale invasion and the certain sacrifice of far more lives and a scarcely less doubtful outcome; or, third, to pull out with the knowledge that the game was not worth the candle.

This last is the best of these choices.

In the event of determining on that last and least unhappy alternative, we shall no doubt be told by some that the United States will lose face in Asia.

I doubt whether we should lose face, whatever that may mean. But if it be so interpreted by some whose opinion should give us small concern, I say better to lose face than to lose the life of another American boy, or a score, or another 200 of them, doomed in varying numbers as long as we stay on.

President Johnson, let me repeat, inherited this mess. It was not of his making. As he approaches the difficult task of making the necessarily hard decisions with respect to the problems in South Vietnam, problems created long before he was President, he should feel no compunction to act in such a way as to justify past actions, past decisions and past mistakes. He should feel entirely free to act in such a manner and to make such decisions as are calculated best to serve the interests of the United States and the free world—a world changed greatly from the time President Eisenhower and Secretary Dulles initiated our southeast Asia policies.

Would South Vietnam go Communist if we get out? Probably, but it will doubtless do so in any event. What would the loss of a million men, or 2 million, or 5 million matter to the jam-packed nation of 700 million that is mainland China, that can and will unconcernedly pour its cannon fodder into an adjacent, long-coveted area, and peopled with its fellow Asiatics. Their lives mean nothing to their own bloody rulers who have liquidated vast numbers of their own. But our American boys' lives would mean everything to our own Government and people if sacrificed in a cause in which we should never have engaged.

Of course, it is a source of regret whenever a new political entity appears to be falling behind the Iron or Bamboo Curtain. But why should we persist in seeking to prevent what is ultimately inevitable, in impossible terrain, for a people who care not, in the most distant spot on the globe. It makes no sense.

Moreover there is considerable question whether South Vietnam, even if overrun by the indigenous Vietcong, or by the North Vietnamese, will not constitute another problem for Peiping as it was for the French, as it has been for the United States. It might well prove an aggravation of Red China's considerable internal troubles.

But surely we have no business there any longer, if indeed we ever had.

The time has come to reverse our policy of undertaking to defend areas such as South Vietnam, whose people are so reluctant to fend for themselves. Let us keep on, by all means, supplying them with arms. Let us continue to give them the means if they wish to use them. But not our men.

The time has come to cease the useless and senseless losses of American lives in an area not essential to the security of the United States.

Only yesterday the report came in of two more American fighting men killed in Vietnam.

Last Wednesday the report was made that three American officers had been killed there. Part of the UPI story reads as follows:

Two U.S. officers were killed yesterday in separate battles with the Vietcong, military sources reported. A U.S. Navy officer was killed yesterday in a helicopter crash.

One of the Army officers died as he attempted to rally Government paratroopers for an assault on a Communist position near the Cambodian border.

There were few details on the death of the other Army officer. Reports reaching Saigon said he was killed in a battle at Trung Lap village 27 miles northwest of Saigon.

It is obvious from this story, as it has been for some time now, that the United States so-called training mission is actually engaged in fighting the Vietcong in a war which the South Vietnamese are themselves reluctant to fight.

I urge the President to take steps to disengage the United States immediately from this engagement.

All our military should immediately be relieved of combat assignments. All military dependents should be returned home at once. A return of the troops to our own shores should begin.

I also urge the President to go to the American people and explain in detail how the United States got involved in Vietnam; when we got involved in Vietnam, and why we are getting out of there.

I sincerely hope that President Johnson will heed the advice of our distinguished majority leader, Mr. MANSFIELD, and others in this body, as knowledgeable as Senators MORSE, ELLENDER, and others reassess the Dulles doctrine of seeking to engage communism on its own grounds—12,000 miles away—and bring our boys home.

This is a fight which is not our fight into which we should not have gotten in the first place. The time to get out is now before the further loss of American lives.

Let us get out of Vietnam on as good terms as possible—but let us get out.

President Johnson is in an excellent position to reverse the previous unsuccessful policies in Vietnam which he did not make.

EXHIBIT 1

[From Look magazine, Jan. 28, 1964]

VIETNAM'S TWO WARS

(By Sam Castan)

To a larger extent than we have admitted, the United States is responsible for South Vietnam's agony. We were behind the scenes at its birth in 1954. We handpicked its leaders, trained its troops and paid for its economic and military survival. We didn't push it into war; the Communists did that. But in spite of our noble intent, our massive aid and all the small acts of selfless heroism our men have performed in its behalf, South Vietnam's path to peace is cluttered by the debris of mistakes that America either made or indorsed.

Ngo Dinh Diem was one.

In 1954, after an 8-year losing war to preserve its colonial holdings in Indochina, France took the knockout punch at Dienbienphu. The United States had a heavy interest in Southeast Asian developments. We had underwritten fully 60 percent of France's military costs—about $2 billion—and were considering direct military intervention when the end came. France sued the victorious Vietminh—a largely Communist guerrilla force led by a wily old Asian Marxist, Ho Chi Minh—for peace, and the Geneva Conference of 1954 divided the former French colony into four independent states: North Vietnam, led by Ho Chi Minh; neutralist Cambodia, Laos, and pro-Western South Vietnam. The West knew that Ho Chi Minh had for years been preparing his share of the spoils for self-sufficiency. A civil service was ready, factory sites were laid out, teachers and industrial workers were trained, and a communications system was already buzzing messages to Peiping. The West also knew that South Vietnam had been left unprepared by France, and that with all the help we might give the new nation, its first, shaky steps toward democratic independence would be menaced by Vietminh cells left behind for purposes of disruption. We badly needed a man in Vietnam, and Diem was in.

Descended from a family of central Vietnamese mandarins, Ngo Dinh Diem was an ascetic Catholic bachelor who had once lived in a Lakewood, N.J., monastery. As a civil administrator under the French, he had enjoyed a certain measure of popular support. Most important, he was an avowed anti-Communist. That was it. Secretary of State John Foster Dulles picked him, Senator MIKE MANSFIELD endorsed him, Francis Cardinal Spellman praised him, Vice President Richard M. Nixon liked him, and President Dwight D. Eisenhower OK'd him.

Although 80 percent of South Vietnam was, and is, Buddhist, Diem's Catholicism was good politics in the United States. The Catholic Bishops' Relief Fund and the Catholic Relief Service assumed major roles in the resettlement of refugees streaming out of predominantly Catholic provinces of North Vietnam. Cardinal Spellman kept showering praise on Diem and his brother, Archbishop Ngo Dinh Thuc. At this point, some American Catholics were beginning to vote

Republican anyway, and the Eisenhower administration, with a wary eye toward John F. Kennedy in 1960, stressed its own role in creating an Asian haven for Catholics.

Out in the Vietnamese boondocks, however, Diem's catholicism didn't mean a thing. Both America and Saigon were remote from the peasant huts along the muddy canals of South Vietnam, where 80 percent of the population lives, and the nation's real strength lies. It was not religion that turned the people against Diem, and, aside from the extra aid it may have brought in, it was certainly not religion that helped him sustain the nation through those early, critical years. Diem managed, with half a billion dollars per year in American aid and his own skill, to keep South Vietnam afloat in the flood of propaganda and subversion let loose by the old Vietminh cells—now called Vietcong.

That much was to Diem's administrative credit. To his personal credit, he allegedly managed, again with American aid, to amass a personal fortune of some $50 million during the same period. Diem changed—too slowly for our then Ambassador, Frederick J. Nolting, Jr., an intimate friend of both Diem and his charming sister-in-law, Mme. Ngo Dinh Nhu, to notice. Too slowly for Gen. Paul D. Harkins, boss of our military assistance command, to notice. No one, in fact, noticed until we found that we had been duped into complicity, and were compounding by assent the mistakes of Diem and his family.

In 1958, the Vietcong turned from subversion and propaganda to violent guerrilla insurgency. "And Diem," says a Vietnamese Army lieutenant, who was later called away from his post in the field to police Saigon during a martial-law period, "made things so easy for them that every time the sun rose on South Vietnam, the Vietcong was stronger than they had been the night before."

Diem installed virtually all of his relatives in key positions, and insured their tenure by rigged elections. Family friends became district and province chiefs; their sons received commissions and cushy Army spots. Whatever dissidence this caused among the population was left to Diem's brother, Nhu, to handle, through 18 separate secret police agencies and the Vietnamese Special Forces, which were not a branch of the regular militia, but in effect a private police force.

Under cover of the 1961 rainy season, Vietcong forces were bolstered by heavy reinforcements, along the famous "Ho Chi Minh trail." Vietcong raids became more frequent and more ferocious. By this time, corruption in Saigon was well known throughout the provinces. The Ngo's, influenced by Malaya's experience, devised a plan to contend with increased guerrilla activity and, at the same time, contain pockets of internal dissidence. It was called the strategic hamlet program, and it had still another benefit. For public relations, the fortified villages could be passed off as a reminder of the pioneer stockades of early America. This device would bring in still more aid money.

It worked for everyone—everyone being Diem and the Vietcong. Diem got his money, the Vietcong got clearly marked and easily taken resupply points for food, weapons, and ammunition. But it didn't work for the people. Plei Ia Miah, one of the hamlets, is an example. "The soldiers forced us out of our huts," said the village chief, shortly before the November coup d'etat, "and told us that a fortified village was ready for us in the valley. 'Can we take our land?' we asked. Two men refused to leave our ancestral home, and were shot. It took us 60 days to march here. We have no land to farm, and if the government doesn't give us food soon, we'll have to sell the pigs and buffalo we brought with us. The Vietcong come at night for our weapons. We give them the weapons. Why should we die for weapons?"

Buddhists, who comprise the great bulk of South Vietnam's population, became special targets of Nhu's secret police last summer. Like the university students who followed them into the torture cells and concentration camps ringing Saigon and Hue, they were too cohesive, too vocal to be allowed freedom. South Vietnam owes them a profound debt, for their protests, along with Madame Nhu's arrogant tirades about "Buddhist barbecues" and "American adventurers," focused world attention on the police-state measures Diem had adopted. The United Nations sent a special commission to investigate religious persecution in South Vietnam, but it arrived too late. On November 2, 9 days after the commission reached Saigon, Diem fell, and a wildly jubilant Saigon crowd carried newly released Buddhist monks on their shoulders through a free city.

The coup d'etat of last November was entirely predictable, despite the contentions of certain American journalists, notably Joseph Alsop and Marguerite Higgins, and the official word from the Public Information Office of our Military Assistance Command Vietnam (MAC–V) that Diem was winning the war and enjoying popular support. "You Americans wouldn't understand," said one coup leader. "Diem betrayed us in the critical hour of our fight against communism. We had to kill him." Added another, "Diem started a second war—himself, his family, and his American allies against the people. That was the important war as far as he was concerned. In another month, the Vietcong would have controlled every province in the country."

What sort of war have Diem's mistakes, and ours for allowing them, left us to face in the bloody showdown ahead?

South Vietnam's new military government estimates that hard-core Vietcong guerrillas total upward of 35,000 men, with around 100,000 part-time irregulars joining them each night. Nearly all are armed with the best weapons America has been able to manufacture. The homemade rifles they began with in 1958 are used as drill weapons for recruits. The number of Vietcong rose sharply last year, when Diem's political interference in the military campaign was at its height, and popular resentment against the regime was sharpest. "Diem hated large casualty reports," relates one ARVN (Army of the Republic of Vietnam) colonel. "Our orders were to surround the enemy on three sides, and let the main body out to avoid pitched battles. We had to head back for the barracks at dusk, even if it meant letting a boxed-in group we could easily handle get away."

These factors, combined with outright neglect in some provinces, and the existence of isolated and vulnerable "paper hamlets," to which Diem could point as proof that he was "showing the flag," have so strengthened the Vietcong that they no longer operate in marauding cutthroat gangs. "They've got regular battalions," says one American adviser, "with heavy-weapons sections, radio communication—the works." Says a chopper pilot, "I half expect to see a Vietcong jet fighter waiting for me every time I go up."

The most critical factor in any guerrilla war is still popular support. The Vietcong, for all their newly gained strength, do not have the staying power in any one area to set up hospitals, rest areas, training camps, etc. In many areas, they don't need them, for every hut is a place to eat and rest and have wounds treated. "Five miles down the canal, there's a Vietcong village," says a U.S. Army Special Forces sergeant at Tan Phu. "There are never any men around when we come through, but every hut's got a Vietcong flag on the wall, and there's a school with paper Vietcong pennants on every desk. I knew this was a strong Vietcong area, but the first time I hear about a Vietcong PTA, I'm getting the hell out."

We are faced, then, with a dedicated enemy grown strong on an endless string of mistakes we endorsed, fighting on his own ground and calling the tune. None of this has changed substantially since the coup. The new government will need months to replace commanders, district, province and village chiefs, and institute the civil reforms that will give South Vietnam its first real chance for democracy. Meanwhile, as soldiers and peasants wait to see how the new government will go, some of the old habits remain. And the Vietcong have taken every opportunity during this transitional period to strike and strike again. In the 4 weeks following the coup, Vietcong activity rose 50 percent.

South Vietnam's uppermost need is to regain the military initiative. No one in the new government deludes himself with the notion that we are winning the war, or that we even have the balance to jab back when we are hit. The common people of South Vietnam are tired after 20 years of fighting (against Japanese invaders, French colonialists and now Communist guerillas). The new government must show its will to prosecute the war until a workable peace is in sight.

How well the regime does depends upon the unity of the junta. Behind a facade of strength, strains are appearing among the 14 generals who wrested power from Diem. Most are loyal to Gen. Duong Van Minh, chairman of the revolutionary council, but some observers see the youngest general, 38-year-old Ton That Dinh, as a comer. He is an ambitious man who assumed nearly all the credit for the coup's success, and his high personal ambitions remain unsatisfied. It was Dinh's weight that swung crucial troops against Diem. Immediately after the Presidential palace surrendered, he promoted himself from two- to three-star general. "I was the coup," says Dinh. "It was my planning, my courage, my leadership that brought Diem down. I did it for the people—not for money, not for another star. I have no personal ambitions." To prove that it believed him, the revolutionary council named Dinh Minister of Security, a considerably lesser post than he may have planned for himself.

If dissension is actually developing within the provisional military government, the war effort may be adversely affected. So may the peace effort, if the generals decide, and if the United States, which pays their salaries, agrees, that the war cannot be won, and some sort of neutralism, such as that envisaged by France's President Charles de Gaulle, is the best way out of a bad thing.

As long as there is shooting, the American involvement will, of course, continue. The removal of over 1,000 Americans last month was characterized by one personnel officer as "trimming some of the fat off our Saigon surplus. Those boys had nothing to do but create a problem for the MP's, and stuff more money into Saigon's black market."

Our field forces stand at their highest level of 2,700 officers and men. There will be more American fatalities, more wounded and more captured. And more, too, of the weirdly funny tales that are part of any war. There was the young Army pilot who, shook up by the presence of Gen. Paul Harkins as a passenger, forgot to drop his wheels for a landing. Harkins climbed out of the wreckage, saying, "That's one way to stop the damned thing." And those two sergeants in Pleiku who measured their remaining time in Vietnam by the number of weekly malaria pills they still had to take. "I'm down to 22 pills," boasted one to the other. "How many pills do you have left?"

Thanks in part to our blunders, to our old policy of seeing, hearing and thinking no

evil of anyone who labels himself "anti-Communist," and to our love of bucking reality, a tired, bloodied nation is approaching its critical hour.

How many pills does South Vietnam have left?

[From Look magazine, Jan. 28, 1964]

AN INTERVIEW WITH TON THAT DINH

Question. General Dinh (full name pronounced Tone Tuck Dinn), what made you turn against Diem? You are the general who led his August pagoda raids against the Buddhists and ruled Saigon as military governor when he declared martial law.

Answer. Diem did not order the raids. It was his brother Nhu who ordered me against the Buddhists, and as a soldier, I had to follow. They must have thought me a fool, those two. The very morning of the coup, I visited them in the Presidential Palace. I asked Diem how his head cold was coming. I was very pleasant. Then I mustered troops against them.

Question. What made you decide to join in a coup d'etat?

Answer. As a soldier, my resentment was building up for a long time. I was in the French colonial army as a private, and later became a cadet at St. Cyr, the French equivalent of your West Point. I have attended your General Staff College at Fort Leavenworth, Kans. I did not like being told how to fight the Vietcong. I did not like seeing them win because of Diem's and Nhu's interference. The last straw came when the national elections of last October were fixed. I knew then that Diem intended to stay in power, to keep interfering and never to institute reforms.

Question. Which reforms, specifically?

Answer. He had promised to institute religious freedoms, to end press censorship, to insure justice in the courts, to restore the legitimate authority of ministers and army commanders. I knew that none of these would ever come about, and that he had no intention of removing Nhu and his wife, or of lessening the air of discord and suspicion that was everywhere. We all became masters of subterfuge and intrigue under Diem. That much he taught us, and we used it against him.

Question. How do you think the war against the Vietcong will go now?

Answer. In some areas, the situation is very bad. We will have to start from scratch. But now we will push much harder. We will try to control the Cambodian border, where many of their supplies come through. We'll step up night operations—until now, the Vietcong has been fighting at night. And we have been fighting in the daytime, and we'll take risks. I was not frightened of risks when I fought Diem. I led the attack. I was at the palace, hurrying the troops through breaches in the wall. I did it. And now I can do it against the Vietcong.

Question. Would you consider taking a higher government post than the one you now hold as Minister of Security?

Answer. I have no personal ambitions. I am a soldier. But if the people ask me to serve, I will obey—not for myself, for them. I only want to serve, as I served Diem. I was sorry that we had to kill him. I cried.

EXHIBIT 2

[Department of State press release, Mar. 23, 1954]

INDOCHINA

Asked at his news conference today about the situation in Indochina, Secretary of State John Foster Dulles made the following statement:

"I do not expect that there is going to be a Communist victory in Indochina. By that I don't mean that there may not be local affairs where one side or another will win victories, but in terms of a Communist domination of Indochina, I do not accept that as a probability.

"There is a very gallant and brave struggle being carried on at Dienbienphu by the French and Associated States Forces. It is an outpost. It has already inflicted very heavy damage upon the enemy. The French and Associated States Forces at Dienbienphu are writing, in my opinion, a notable chapter in military history. Dienbienphu is, as I say, an outpost position where only a very small percentage of the French Union Forces are engaged, and where a very considerable percentage of the forces of the Vietminh is engaged.

"Broadly speaking, the United States has, under its previously known policy, been extending aid in the form of money and materiel to the French Union Forces in Indochina. As their requests for materiel become known, and their need for that becomes evident, we respond to it as rapidly as we can. Those requests have assumed various forms at various times. But I think that we have responded in a very prompt and effective manner to those requests.

"If there are further requests of that kind that are made, I have no doubt that our military or defense people will attempt to meet them.

"As soon as this press conference is over, I am meeting with Admiral Radford. But so far I have not met General Ely, and I do not know what requests he has made, if any, in that respect because that would be primarily a matter for the defense people in any case. The policy has already been established so far as the political aspects of it are concerned.

"We have seen no reason to abandon the so-called Navarre plan which was, broadly speaking, a 2-year plan which anticipated, if not complete victory, at least decisive military results during the fighting season which would follow the present fighting season, which is roughly a year from now.

"As you recall, that plan contemplated a very substantial buildup of the local forces and their training and equipment. It was believed that under that program, assuming there were no serious military reversals during the present fighting season, the upper hand could definitely be achieved in the area by the end of the next fighting season. There have been no such military reverses, and, as far as we can see, none are in prospect which would be of a character which would upset the broad timetable and strategy of the Navarre plan."

Asked whether that ruled out any possibility of a negotiated peace at Geneva, Mr. Dulles replied:

"At any time if the Chinese Communists are willing to cut off military assistance, and thereby demonstrate that they are not still aggressors in spirit, that would, of course, advance greatly the possibility of achieving peace and tranquillity in the area. That is a result which we would like to see.

"To date, however, I have no evidence that they have changed their mood. One is always hopeful in those respects, but, so far, the evidence seems to indicate that the Chinese Communists are still in an aggressive, militaristic, and expansionist mood."

EXHIBIT 3

[From Look magazine, Feb. 8, 1955]

WE NEARLY WENT TO WAR 3 TIMES LAST YEAR BUT IKE SAID NO

(By Fletcher Knebel)

Three times within the past 10 months, the United States stood on the brink of war with the Communists in the Far East. Three times the proposal of war in the Orient was advanced in the highest councils of the Eisenhower administration. Twice it was rejected. Once it was abandoned—but only after a veto by Great Britain.

Last April, America came to the threshold of war to save Indochina from the Communist forces of Ho Chi Minh, a venture that might or might not have involved us in hot war with Red China.

In September, the United States was but inches away from a decision to go to war to prevent the little island of Quemoy, off the Chinese mainland, from falling into Communist hands.

In November, America was stayed from a naval and air blockade of Red China—an act of war—by President Dwight D. Eisenhower and Secretary of State John Foster Dulles.

The story of how America narrowly missed armed conflict in Asia is a fascinating interplay of the convictions of powerful men, all of them high-principled, all of them sharing the Nation's top secret intelligence reports and all of them determined to guide America's destiny to the eventual goal of world peace.

WERE IKE'S DECISIONS RIGHT?

History may credit a number of men with helping to keep America out of war in the last 10 months. They were Eisenhower, Dulles, Gen. Matthew B. Ridgway, Anthony Eden and even, curiously, Jawaharlal Nehru of India.

The strongest voice for peace was that of President Eisenhower. Whether his decisions for peace were right or wrong is a matter of violent dispute in the Nation's Capital. "Thank God for Eisenhower," says one Democratic Senator who was consulted during the Indochina crisis. "Ike has but postponed the day of reckoning," says another well-briefed legislator who believes that the United States has taken the downhill path of appeasement.

Right or wrong, Ike weighted the balances for peace in the secret councils of his administration, far from the headlines and the public eye. Without President Eisenhower, hundreds of thousands of American boys today might be plowing across the Pacific in Army transports—destination Red China.

The men who urged war were sincere and dedicated leaders who believed that bold American action would check the Communists without plunging the Nation into allout land war with Red China. Ike believe otherwise.

The struggle for war or peace in Washington was contested on an oddly shaped triangle, its points resting on the White House, the State Department and the Pentagon across the Potomac River in Virginia.

Here is the inside story, as gathered from many of the participants, of how the United States looked into the pit of war—and turned away.

INDOCHINA

Last March, the Communist warriors of Ho Chi Minh besieged the French fortress of Dienbienphu in tremendous strength, seeking a knockout blow to win the dreary, 8-year-old conflict.

Six days later, Gen. Paul Ely, French chief of staff, arrived in Washington and secretly informed U.S. leaders that American intervention was needed to save Indochina. This set in motion a month-long chain of private Washington huddles and frenzied diplomacy.

The Joint Chiefs of Staff, America's top military body, met in the Pentagon.

Adm. Arthur W. Radford, a carrier and airpower naval officer and chairman of the Joint Chiefs of Staff, advocated U.S. intervention through a carrier strike from the U.S.S. *Essex* and *Boxer*, both then in the Gulf of Tonkin, and by Air Force bombers from the Philippines. Radford had long favored a display of force in the Far East, was already an advocate of blockading Red China.

Gen. Matthew B. Ridgway, Army chief of staff and former Korean commander, declared himself flatly against American intervention. He declared that an air strike would lead inevitably to action by American troops as soon

as the first planes were shot down. He contended that his limited army, with commitments around the globe, could not fight in the jungles of Indochina short of allout mobilization at home.

Adm. Robert B. Carney, chief of naval operations, and Gen. Nathan F. Twining, Air Force chief of staff, took a middle ground between Radford and Ridgway. They expressed belief than an airstrike would be effective in aiding the defenders of Dienbienphu, but doubted the aerial blow alone could win the war for the French.

Radford took his recommendation for U.S. intervention to the National Security Council. President Eisenhower accepted Radford's opinion that an airstrike would be effective, but quickly laid down the rule that the United States would intervene only if joined by other allies. In the circumstances, "other allies" meant Britain, which had a carrier in the area.

President Eisenhower also stipulated that any move of intervention in Indochina required approval of Congress. But the President and Dulles were convinced that Congress was in no mood to give a blank check for war measures at that time, before Britain had signed on the dotted line. To give Radford an idea of congressional opinion and to give congressional leaders Radford's viewpoint, Dulles summoned three top Republicans and five Democrats to a Saturday-morning meeting, April 3, at the State Department.

This secret briefing left the legislators bug-eyed, for it was the first time they realized that the administration was actually considering war in Indochina.

The legislators said "No" in various ways to the suggestion of congressional authorization for U.S. solo intervention. And Dulles indicated that the President had no thought of asking this anyway, since the principle of "united action" had been determined.

The Secretary of State flew to London and Paris in mid-April, got British and French agreement to proceed with united action talks. A communique was issued, after Sir Winston Churchill himself made penciled changes.

BRITISH MOVE ANGERS DULLES

Back in Washington, Dulles arranged an eight-power conference on methods of stopping the Reds in Indochina. On Easter Sunday, however, Sir Roger Makins, the British Ambassador, called Dulles at home to say he had been instructed not to attend the talks. Angry at the apparent British retreat, Dulles changed the meeting into a 16-power Korean peace conference as a face-saving device.

The transatlantic maneuvering generated terrific tensions behind the scenes. At one congressional briefing, a Republican legislator blurted out to Dulles, "You are either a liar or Eden is a doublecrosser." Dulles vowed he had told the exact truth of the negotiations with the British, that London suddenly had switched signals on him.

On April 25, the British Cabinet met in emergency session and decided finally against military action in Indochina. The decision was relayed to Dulles in Paris by Anthony Eden. U.S. officials learned that Nehru in India had influenced the British Cabinet's decision by voicing violent objection to British-American military action in Indochina.

Radford flew from Paris to London the next day, conferred with British leaders in an effort to arrange some other joint action in Indochina. But this mission failed. This ended all thought by U.S. leaders of intervening to save Dienbienphu, and on May 7 the fortress fell to Ho Chi Minh's troops.

QUEMOY

Two months after the Indochina armistice was signed in Geneva, July 21, the United States again moved to the edge of war in the Orient. This time, however, there was no question of "united action." This time, the joint chiefs proposed that America go it alone.

In early September, Red Chinese artillery began shelling the Nationalist Chinese island of Quemoy, a few miles off the Asiatic mainland and about 125 miles from Chiang Kai-shek's stronghold on Formosa.

The American Joint Chiefs of Staff, fearing preparations for the long-promised Red invasion of Formosa had begun, met at the Pentagon. They decided to urge President Eisenhower to use the 7th Fleet to thwart an invasion of Quemoy, should it develop.

The joint chiefs split 3-to-1 on the recommendation. Radford, Carney, and Twining favored American strafing and bombing alongside Chiang's planes if a Red invasion of Quemoy actually got underway. Ridgway opposed it, again because he feared it meant eventual use of ground troops, leading to an all-out land war with Red China. The other three believed such "clean" air and sea action could do the job without involving troops.

Ike summoned the National Security Council to extraordinary session at Denver to discuss war in Quemoy. The meeting was held in the Officer's Club at Lowry Air Force Base.

Dulles was in Manilla, signing the southeast Asian collective-defense treaty. He cabled that he had two questions: One. Was Quemoy essential to the defense of Formosa (which the United States is committed to defend)? Two. Was Quemoy itself defendable?

Dulles got the answers to his questions from Radford. Quemoy could be defended, but Quemoy was not absolutely essential to the defense of Formosa. Dulles then took a stand against any ironclad assurance to Chiang that we would help defend Quemoy. Vice President Nixon also opposed American aid for Quemoy.

President Eisenhower in the end decided that we would make no definite commitment to Chiang to defend Quemoy. On the other hand, if the Reds attacked Quemoy in force as an obvious prelude to an invasion of Formosa, we would be free to strike if we wished. President Eisenhower cast his deciding vote against war.

THE BLOCKADE

Barely 2 months later, strong men in the administration and the Republican Party again propelled the United States toward war with Red China.

In late November, the Chinese Communists announced they had imprisoned as spies 11 U.S. airmen and 2 civilians, captured in the Korean war.

Secretary Dulles was vacationing at his home on Duck Island in Lake Ontario, where the chief blessing is the absence of a telephone. When Dulles stepped ashore Sunday, November 28, in Jefferson County, N.Y., he learned of the gathering thunderclouds.

Senate Republican leader William F. Knowland, of California, had called for a naval blockade so tight that "no vessel can get in or out of China until these Americans are released." He was then backed by other Republicans. Also, Dulles knew that Admirals Radford and Carney on the joint chiefs favored a blockade, not specifically because of the spy "conviction" of the American airmen, but as a tool to yank the fangs of militant Red China.

Dulles decided to call the President, who was in Augusta, Ga., for Thanskgiving, but the President got him first at the home of friends in the hamlet of Chaumont on the shores of Chaumont Bay, Lake Ontario. They talked for 15 minutes and agreed that a blockade would be an act of war, that America should not commit its armed might in response to what they believed was a carefully timed provocative act by the Communists.

Dulles sketched a proposed revision of his scheduled speech in Chicago Monday night and Ike approved it. The next morning, Dulles called to dictate the text of his revision, and an aid took it to Ike, who was out playing golf. As he sat on a bench beside a tee, the President made a few changes and approved the rest. The speech flatly rejected a blockade.

The decision again was against war.

Twice in 1954, the President turned down proposals that America fight Red China. Once he approved war action, but only on condition that our allies join us—they never did.

In the search for peace, an American President must finger many tools. Once Ike used the hammer. To understand the peace quest of recent months, it is necessary to go back 2 years—to the time when Ike got tough.

On December 8, 1952, the heavy cruiser *Helena* rolled in the seas off Wake Island, carrying President-elect Eisenhower from Guam to Hawaii after his promised post-election trip to Korea. A helicopter brought aboard Secretary of State-designate Dulles and other future Cabinet members. For the better part of 3 days, Ike and Dulles discussed the Korean conflict as the *Helena* cut eastward.

Ike took the firm position that "this war must end." Dulles agreed. American casualties then had mounted to 128,000, including 22,000 killed. Both men agreed that Red China wanted the conflict prolonged, that the Reds must be made to quit. "We've got to make them want peace" is the way Ike put it.

Ike and Dulles reached a basic decision. If the Reds did not come to terms, the United States would bomb the new industrial complex of Manchuria above the then-sacred Yalu River and smash Red China's will to fight.

IKE PUTS IT UP TO THE REDS

By May, 1953, the truce talks still drifted in the Communist doldrums, despite an April agreement for exchange of sick and wounded prisoners. The Reds were playing the same old game of delay, frustration and obstruction.

Ike decided the time had come to let Red China know we meant business. Dulles, accompanied by FOA Director Harold E. Stassen, set off on a global flying tour. For 3 days, May 20 to 22, Dulles held confidential talks with Nehru in New Delhi, impressing on him that U.S. patience had come to an end in Korea. The Reds must either come to terms or face that allout bombing of Manchurian factories, he told Prime Minister Nehru.

There is no concrete evidence outside the secret files of India that Nehru relayed this "ultimatum" to Red China, but circumstantial evidence indicates that he did. Within 48 hours, our military negotiators reported to Washington that the Communist attitude had softened.

The fits and starts of haggling at Panmunjom continued, but the Reds had decided to quit. On July 27, the long-sought truce in Korea was signed. Three years and 32 days of killing ended. That was just 114 days short of the duration of our fight against Germany in World War II.

America had been at peace for 18 months. No man is certain how peace should be maintained. Ike seeks many ways. Men of deep conviction differ with some of his methods. The debate continues in Washington.

EXHIBIT 4

SOUTH VIETNAM: A SUMMARY OF EVENTS [1]

1954

May 8–July 21: Geneva Conference on Indochina: The delegates are from Great Britain and the U.S.S.R. (joint chairmen), France, the United States, Communist China, Cambodia, Laos, and Vietnam, and the Vietminh regime. Agreements are signed on July 21 and the main provisions concerning Vietnam are that (1) Vietnam is to be partitioned along the 17th parallel into North and South Vietnam, (2) regulations are imposed on foreign military bases and personnel and on increased armaments, (3) countrywide elections, leading to the reunification of North and South Vietnam, are to be held by July 20, 1956, and (4) an International Control Commission (ICC) is to be established to supervise the implementation of the agreements. The United States and Vietnam are not signatories to the agreements. The United States issues a unilateral declaration stating that it (1) "will refrain from the threat or the use of force to disturb" the Geneva Agreements, (2) "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security," and (3) "shall continue to seek to achieve unity through free elections. supervised by the U.N. to insure that they are conducted fairly."

July 7: Head of state and former Emperor Bao Dai appoints Ngo Dinh Diem Premier.

August: Flow of almost 1 million refugees from North to South Vietnam begins.

August 31: Gen. Paul Ely, French High Commissioner for Indochina, states that France is unequivocally committed to support the South Vietnamese Government as the legal government in Vietnam and to grant it total independence.

September 16: South Vietnam's independence established as France turns over to the Diem government control of the police, justice and security departments, public utilities, and civil aviation.

October: National Revolutionary Movement, mass political party in South Vietnam, is founded.

October 11: The Communist Viehminh regime formally takes over control of Hanoi and North Vietnam.

October 24: President Eisenhower sends a letter to Premier Diem of South Vietnam stating that American assistance will be given hereafter not through the French authorities, but directly to the Government of South Vietnam. The letter also states that the U.S. Government "expects this aid will be met by * * * undertaking needed reforms."

1955

January 1: United States begins to render direct assistance to South Vietnam, on the basis of the existing pentalateral agreement of December 1950, for the support of the Vietnamese armed forces.

January 24: Premier Diem states, in an interview with a New York Post correspondent, that Vietnam would do everything possible to help the ICC and would wait to see whether conditions of freedom existed in Communist North Vietnam at the time stipulated in the Geneva Agreement for holding Vietnam-wide elections.

February 5: Premier Diem decrees the first of a series of laws initiating important and extensive land reform program.

February 12: The U.S. Military Assistance Advisory Group (MAAG) takes over the training of the South Vietnamese army, following the relinquishing of command authority by the French.

February 19: Southeast Asia Collective Defense Treaty (SEATO)—with its protocol covering Vietnam, Cambodia, and Laos—comes into force.

March 7: United States and South Vietnam sign agreement which supplements existing economic cooperation agreement of September 1951.

March 29: Armed revolt is precipitated in Saigon by the Binh Xuyen political-bandit group, spreading ultimately into large-scale dissidence in the southern provinces with the participation of elements of the Cao Dai and Hoa Hao religious sects.

March 31: French-North Vietnamese agreement provides for a North Vietnamese liaison mission to the ICC to operate in South Vietnam.

April 17: South Vietnamese Government appeals to the U.N. against the North Vietnamese Communists, who, in violation of the Geneva agreements, prevent northerners from migrating to South Vietnam.

May 10: Premier Diem forms a new Cabinet composed largely of his own followers.

May 16: Time limit given by Geneva agreement for exodus of refugees from North to South Vietnam (and vice versa) is extended to July 20.

July: Communists initiate the first overt propaganda moves in South Vietnam by distributing literature signed by North Vietnam's National United Front.

July 1: French formally relinquish command authority over the Vietnamese Navy.

July 7: French formally transfer Nha Trang Air Base to Vietnamese control.

July 20: Mass demonstrations by anti-Communists in Saigon, Capital of South Vietnam. The demonstrators accuse the ICC of not preventing Communist violations of the Geneva agreements. On the same day, talks were scheduled to begin (according to Geneva agreement) for the preparation of all-Vietnam elections to be held on July 20, 1956, to reunite the country. The Government of South Vietnam rejects the North Vietnamese Government's invitation to discuss the elections, on the grounds that in North Vietnam the people would not be able to express their will freely and that falsified votes in North Vietnam could overrule the votes in South Vietnam.

August 16: Last French High Commissioner in Vietnam departs.

October: Binh Xuyen is defeated as an organized armed insurgent force.

October 23: A national referendum deposes Bao Dai, former emperor and since March 7, 1949, Head of State of Vietnam. Ninety-eight percent of the votes expressed preference for Premier Diem.

October 26: A republic is proclaimed by Ngo Dinh Diem who becomes the first President of South Vietnam.

December 5: President Diem decrees a new Vietnamese nationality law.

December 30: Government plan is published for resettlement of 100,000 refugees from North Vietnam. The government will induce landlords to sign contracts with refugee tenants, and if the landlords refuse to sign, the government will take over the contracts on behalf of the refugees.

1956

January: South Vietnamese army units occupy Tay Ninh, principal Cao Dai political center, leading to breakup of the organized Cao Dai armed insurgency. Agreement with Cao Dai leaders on February 28 legalizes Cao Dai religious practices and forbids its political activities as a religous sect.

February 12: Tran Van Soai, leader of an important Hoa Hao faction, surrenders. Ba Cut, another principal Hoa Hao leader, is captured on April 13, leading to breakup of organized Hoa Hao armed insurgency.

February 23: Communist North Vietnam calls for a new meeting of the participants of the Geneva Conference. North Vietnam accuses South Vietnam of violating the agreement by refusing to participate in all-Vietnam elections and by preparing separate elections in South Vietnam.

March 4: General elections for South Vietnam's first National Constituent Assembly, which is to have 123 members, result in the victory of the National Revolutionary Movement and other political parties supporting President Diem.

March 22: French-Vietnamese agreement is signed for withdrawal of the remaining French expeditionary forces by June 30, 1956.

April 6: The Vietnamese Government announces it will continue to cooperate with the ICC and reiterates its position of support on Vietnam-wide elections at such time as conditions in Communist North Vietnam permit genuinely free voting.

April 28: French Military High Command in Vietnam is dissolved.

July 4: Constituent Assembly approves unanimously a draft constitution providing for a strong executive with safeguards for individual citizens. The President, whose term of office is to be 5 years, has veto power over all legislation of the unicameral parliament and may rule by decree when the National Assembly (elected for 4 years) is not in session.

July 6: U.S. Vice President Richard Nixon visits Vietnam, hands to President Diem of South Vietnam a letter in which President Eisenhower declares he is looking forward to many years of partnership between the two countries. As guest speaker before the Constituent Assembly, Nixon declares that "the militant march of communism has been halted."

July 30: Vietnamese liaison mission to ICC is established preparatory to the transfer of functions from the French liaison mission.

August 21: President Diem issues decree regulating the status of Chinese born in Vietnam. The decree declares them to be Vietnamese citizens; those who refuse to accept their new status must leave the country.

September 14: President Diem reshuffles his Cabinet.

September 19: French Air Force officially transfers the Tourane Air Base to Vietnamese control.

October 26: South Vietnam's first constitution is promulgated and the National Constituent Assembly is officially transferred into a national assembly.

November 16: Radio Hanoi broadcasts admit peasant resistance and armed clashes in North Vietnam's Nghe An Province.

November 29: President Diem denounces the North Vietnamese Communist regime's military actions in Nghe An Province as a violation of human rights and a forceful suppression of persons wishing to move to the southern zone and urged the U.N to take the matter under consideration; Vietnam also protests to the ICC, charging the North Vietnamese Communist regime with violation of article 14c of the Geneva Agreements.

December 28: Nguyen Ngoc Tho confirmed by the National Assembly as Vietnam's first Vice President, following his appointment by President Diem.

1957

January 3: International Control Commission reports that between December 1955 and August 1956 neither North Vietnam nor South Vietnam have been fulfilling their obligations under the 1954 armistice agreement.

[1] This chronology has been compiled primarily on the basis of: Deadline Data on World Affairs, Deadline Data, Inc., New York, and memorandum RFE–14, Department of State, Bureau of Intelligence and Research, Jan. 10, 1962.

February 22: Attempted assassination of President Diem at a rural fair in Ban Me Thuot by a Cao Dai adherent.

March 5: President Diem enunciates a new national investment policy.

March 27: Asian People's Anti-Communist League begins its third conference in Saigon. Vietnam established as the site of the permanent secretariat.

April 11: Lucien Cannon, chief of the Canadian delegation to the ICC, is murdered.

May 2: In South Vietnam a national military conscription program is decreed.

May 5–19: President Diem visits the United States. He addresses on May 9 a joint session of Congress. In a joint communique (issued May 11), President Eisenhower and President Diem declare that both countries will work toward a peaceful unification of Vietnam. The United States will continue helping South Vietnam to stand firm against communism.

June: French naval and air force training mission withdrawn.

June 10: U.S. Export-Import Bank grants South Vietnam a $25-million loan for economic development.

October 22: Bombing of the U.S. MAAG and USIS installations in Saigon; U.S. personnel injured in the incident.

November 15: United Nations Secretary General announces plan for the development of the Mekong River basin, which is to be carried out in cooperation with Thailand, Laos, Cambodia, and South Vietnam, assisted by the U.N. Economic Commission for Asia and the Far East (ECAFE).

1958

January 4: Large Communist guerrilla band attacks plantation north of Saigon, reflecting steady increase in Communist armed activity since mid-1957.

February 20: Fire sweeps Gia Kiem refugee settlement center leaving 20,000 persons homeless.

February 26: President Diem announces cabinet changes.

March 7: Premier Pham Van-dong of North Vietnam (in a letter to President Diem of South Vietnam) proposes a conference of the two Governments to discuss reduction of their respective armed forces.

April 26: Declaration by the Government of South Vietnam on measures to be taken by North Vietnam in order to create conditions for the holding of free elections as stipulated in the Geneva agreements.

May 9: President Diem distributes land ownership certificates to 1,819 landless farmers.

May 17: North Vietnamese liaison mission to the ICC withdrawn from Saigon.

June 25: Cambodian royal proclamation, alleging that South Vietnamese troops have "invaded" and occupied several Cambodian border villages, accuses South Vietnam of 19 cases of violation of Cambodian territory since January 1957. Allegation is repudiated by the Foreign Minister of South Vietnam.

August 5: Ngo Dinh Nhu, brother of President Diem, travels to Cambodia to try to settle the drawn-out border dispute.

August 10: Large Communist guerrilla force attacks in Tay Ninh.

September 10: France and South Vietnam sign agreement under which France provides aid for the Vietnam Government's agrarian reform program—1,490 million francs.

December 26: Premier Pham Van-dong of North Vietnam proposes a conference to discuss limitation of military commitments and establishment of commercial and other exchanges between the north and the south.

1959

April 22: United States and South Vietnam sign an agreement for cooperation for research in the peaceful uses of atomic energy.

May 13: Japan signs a World War II reparations and loan agreement with South Vietnam.

June 11: Laos and South Vietnam sign series of agreements, on judiciary cooperation, commercial exchanges and payments, and border control.

July: Vietnam Government publishes official publication, "Violations of the Geneva Agreements by the Viet Minh Communists." Annual installments published in July 1960 and May 1961.

July 8: Communist guerrillas attack Vietnamese military base at Bien Hoa, killing and wounding several U.S. MAAG personnel.

July 10: In Belgian Communist publication Red Flag, Ho Chi Minh, head of the North Vietnamese Communist regime, states "we are building socialism in Vietnam, but we are building it in only one part of the country, while in the other part we still have to direct and bring to a close the middle-class democratic and anti-imperialist revolution."

August 3: Premier Prince Norodom Sihanouk of Cambodia in South Vietnam on official visit.

August 30: Second national elections give the National Revolutionary Movement and other pro-Government political parties overwhelming majority in the National Assembly.

October 30: Spokesman of the Vietnamese Army discloses that a campaign against Communist guerrillas in the country's southernmost region, the Camau Peninsula, resulted in heavy guerrilla losses.

November 14: French Minister of Finance and Vietnamese Vice President initial (in Saigon) agreements for the settlement of financial claims between the two countries and for a French loan of 7 billion (old) francs (about $14 million) and a credit of 11 billion (old) francs (about $22 million) for the purchase by South Vietnam of capital equipment.

1960

January: In an article in Hoc Tap, journal of the Communist Party (Lao Dong) in North Vietnam, Gen. Vo Nguyen Giap, head of the North Vietnamese armed forces, states "the North has become a large rear echelon of our army" and "the North is the revolutionary base for the whole country." A Communist guerrilla band attacks Vietnamese Army installation in Tay Ninh.

March: Communist guerrilla force attacks leprosarium in Bien Hoa Province. President Diem inaugurates first agroville in Phong Dinh Province.

March 24: France and South Vietnam sign agreement on outstanding financial and properties issues and on trade relations.

April 17: North Vietnam protests to the chairmen of the 1954 Geneva Conference (Britain and the U.S.S.R.) against a formidable increase of personnel in the American military assistance and advisory group in South Vietnam; and accuses the United States of turning South Vietnam into "a U.S. military base for the preparation of a new war."

April 30: An opposition group of 18, calling themselves the Committee for Progress and Liberty, sent letter to President Diem demanding drastic economic, administrative, and military reforms.

May 5: United States announces that at the request of the Government of South Vietnam, the U.S. military assistance and advisory group will be increased by the end of the year from 327 to 685 members.

June 3: U.S. Development Loan Fund approves $9,700,000 loan to South Vietnam for purchase in the United States of diesel locomotives and railway cars.

June 18: Government announces that the Governor of Vinh Kong Province and his driver were assassinated and a bodyguard wounded by Communist terrorists.

June 26: Government announces that South Vietnamese troops kill 34 Communist rebels in a battle along the Cambodian border on June 22.

June 28: Defense Ministry announces that Government troops killed 41 Communist guerrillas and lost 2 soldiers in a clash west of Saigon.

June 29: Communist guerrillas ambush and kill the inspector of South Vietnam's youth and sports organizations. "Each month, from 250 to 300 Government officials are murdered by Red guerrillas * * * South Vietnam is clearly the target of a new Communist offensive." (Time, July 11, 1960.)

July 16: Government discloses that in clashes with Communist guerrillas on July 9, Government troops killed 76, wounded at least 100, and captured 28.

July 20: Vietnam National Assembly delegation leaves Saigon for 6-week visit to the United States.

September 5: In addressing the opening of the Third National Congress of the Lao Dong (Communist) Party in Hanoi, Ho Chi Minh states "the North is becoming more and more consolidated and transformed into a firm base for the struggle for national reunification."

September 10: The resolution adopted by the Third National Congress of the Lao Dong Party declares clearly that an "immediate task" of the "revolutionary struggle of our compatriots in the South" is to overthrow President Diem's government.

October: Series of attacks by large Communist guerrilla force in the Kontum-Pleiku area.

October 18: President Diem reshuffles his cabinet and replaces the Secretaries of State for Justice, Interior, and National Defense.

October 26: President Eisenhower assures President Ngo Dinh Diem, in a letter of good wishes on South Vietnam's fifth anniversary, that "for so long as our strength can be useful, the United States will continue to assist Vietnam in the difficult yet hopeful struggle ahead."

November 2: Development Loan Fund announces signing of an agreement for a $17,500,000 loan to South Vietnam. The loan is for the improvement and expansion of the water supply of the Saigon metropolitan area.

November 5: In a daylight ambush a U.S. public safety adviser, Dolph B. Owens, and his driver are killed by guerrilla machinegun fire near seaside resort, Long Mai. On the same day the National Assembly passes bill empowering the Government to mobilize "popular fronts" and to strengthen existing military measures to "better insure the security of the nation."

November 10: South Vietnam Government sends letter to the ICC charging that Communist attacks in the Kontum-Pleiku area in October (1) involved regular army forces from Communist North Vietnam through Laos, (2) constitute open aggression which was well prepared, commanded by high-ranking officers, and conducted by regular forces trained in North Vietnam, and (3) employed weapons made in North Vietnam and other Communist countries.

November 11: Military coup attempt against President Diem's regime. Paratroop battalions led by Col. Nguyen Van Thy and Lt. Col. Vuong Van Dong besiege the Presidential palace. An order of the day issued by Col. Thy declares that struggle against the Communists will be intensified, that President Diem is guilty of autocratic rule and nepotism and has "shown himself incapable of saving the country from communism and protecting national unity."

November 12: Loyalists troops enter the capital and subdue the rebels. According to press reports from Saigon, an estimated 200 soldiers and civilians were killed during the fighting.

November 13: U.S. State Department expresses satisfaction at the failure of the coup against President Diem and also hope that

"his powers will be established on a wider basis with rapid implementation of radical reforms and energetic action against corruption-suspected elements."

November 16: Ngo Dinh Nhu, President Diem's brother and political adviser, announces that President Diem plans to appoint a new Government and introduce a far-reaching reform program based on reports of the Ford Foundation and of a French study group.

1961

January 29: Radio Hanoi praises establishment of the National Front for Liberation of South Vietnam (NFLSV), alledgedly founded in December 1960. On January 30, Radio Hanoi, quoting the press organ of the Lao Dong Party in North Vietnam, states that the "sacred historical task" of the NFLSV is to overthrow the United States-Diem clique and to liberate the south.

February 6: President Diem announces (at the first press conference held by him in 5 years) his administrative reform program.

February 7: President Diem announces he will be a candidate for reelection in the presidential elections to be held on April 9.

March 10: The Communist-led newly formed National Front for the Liberation of South Vietnam announces that a guerrilla offensive against the Government will be started to prevent the holding of the April 9 elections. The National Front also declares that it will fight with every means the dictatorial regime set up by the Americans, that it stands for the peaceful reunification of the country.

March 27: Cambodian and South Vietnamese representatives reach agreement in Pnom Penh, Cambodia, on settling the Cambodian refugee problem which has recently strained relations between the two countries. Large numbers of Cambodians settled in Vietnam crossed into Cambodia during the past weeks complaining that both Communist guerrillas and Government forces have committed atrocities against them.

April 3: United States and South Vietnam sign a Treaty of Amity and Economic Relations in Saigon.

April 4: President Diem appeals to the ICC to make an immediate and energetic investigation of growing Communist terrorism and subversion throughout South Vietnam.

April 6: U.S. President John F. Kennedy and British Prime Minister Harold Macmillan discuss (according to press reports from Washington) the steps to be taken to prevent a deterioration of the situation in South Vietnam. On the same day, Government of South Vietnam announces details of nine engagements between Government forces and Vietcong guerrillas in widely separated areas.

April 9: President Diem and Vice President Tho are elected by an overwhelming majority in Vietnam's presidential elections.

May 2: North Vietnam calls for a ceasefire in Laos.

May 4: Chairman of U.S. Senate Foreign Relations Committee, Senator J. W. FULBRIGHT, declares to the press (after a conference with President Kennedy) that he would not oppose direct military intervention in South Vietnam and Thailand to counteract the threat of a Communist takeover in those countries. He also emphasizes that he is opposed to the United States becoming the primary defensive factor in southeast Asia over a long time, and says that role should be up to India and Japan.

May 5: President Kennedy declares at a press conference that consideration is being given to the use of U.S. forces, if necessary, to help South Vietnam resist Communist pressures. He declares that this will be one of the subjects discussed during the forthcoming visit of Vice President Johnson in South Vietnam.

May 11–13: U.S. Vice President Johnson in South Vietnam. Joint communique on May 13 declares that additional U.S. military and economic aid will be given to help South Vietnam in its fight against Communist guerrilla forces.

May 29: President Diem reorganizes his Cabinet.

June 12: Communist Chinese Premier Chou En-lai and North Vietnamese Premier Phan Van-dong (in Peiping on a visit) accuse the United States of aggression and intervention in South Vietnam.

June 19–July 15: U.S. group of financial, economic, and military experts, headed by Eugene A. Stanley, in South Vietnam to study methods of countering guerrilla activities and to establish long-term plans to assist the South Vietnamese economy.

June 29: ICC decides it is competent to investigate North and South Vietnamese complaints of violation of the agreement on Vietnamese partition.

July 8: Attempted assassination of U.S. Ambassador Frederick E. Nolting.

July 16: Government forces win an important battle 60 miles southwest of Saigon in the swampy region of the Plaine des Joncs, a guerrilla-infested territory.

July 17: U.S. Agriculture Department announces an agreement to sell South Vietnam $11 million worth of U.S. surplus wheat, cotton, and tobacco, to be paid for in Vietnamese currency.

July 24: Two National Assembly deputies assassinated by Communist guerrillas.

August 2: President Kennedy declares that the United States will do all it can to save South Vietnam from communism. On the same day, the Government of South Vietnam orders all men between the ages of 25 and 35 to report for military duty.

August 17: Government forces win another victory over Communist guerrillas on the Plaine des Joncs.

September 1–4: Series of attacks by 1,000 Communist guerrillas in Kontoum province. Army command communique states that during the month of August there were 41 engagements between Government forces and Communist rebels.

September 17: British advisory mission on administrative and police matters, headed by R. G. K. Thompson (former Permanent defense secretary in Malaya), leaves for South Vietnam.

September 18: Communist forces estimated at 1,500 men attack and seize the capital of Phuoc Thanh Province, only 60 miles from Saigon.

September 25: President Kennedy, addressing the U.N. General Assembly in New York, declares that a threat to peace is "the smoldering coals of war in southeast Asia."

October 1: Military experts of SEATO meet in Bangkok, Thailand, to consider the increasing Communist menace to South Vietnam. Adm. Harry D. Felt, U.S. Navy commander in chief in the Pacific, declares that there is no immediate prospect of using U.S. troops to stop the Communist advance in southeast Asia, but he indicates that among the plans evolved for "every eventuality" some do call for the use of American troops.

October 2: President Diem declares at the opening of the National Assembly's budgetary session: "It is no longer a guerrilla war we have to face but a real war waged by an enemy who attacks us with regular units fully and heavily equipped and who seeks a strategic decision in southeast Asia in conformity with the orders of the Communist international." The President also says that the U.S. committee headed by Dr. Eugene Staley recommended an increase in aid both for military measures and for economic and social development.

October 11: President Kennedy announces (at his news conference) that he is sending Gen. Maxwell D. Taylor, his military adviser, to South Vietnam to investigate there the military situation and to report on it to him personally.

October 18: State of emergency is proclaimed in South Vietnam by President Diem. On the same day the President also begins a series of consultations with Gen. Maxwell D. Taylor.

October 24: Government of South Vietnam sends letter to the ICC charging the North Vietnamese Communist regime with organizing and carrying out "elaborate and intensive" program of subversion, terror, and direct aggression against South Vietnam.

October 26: On the sixth anniversary of South Vietnam as a republic, President Diem issues a message stressing the theme of national emergency and the need for greater effort and dynamic solidarity against "Communist imperialism." He demands the "complete destruction of Communist aggression," for which purpose the state of emergency has been declared. On the same day, President Kennedy, in a letter to President Diem, assures the South Vietnamese President that the United States "is determined to help Vietnam preserve its independence, protect its people against Communist assassins and build a better life through economic growth."

October 28: Government announces that Cambodian and South Vietnamese troops clashed in An Giang Province in the border region where Cambodian troops crossed into Vietnamese territory.

November 16: Following closely the recommendations in General Taylor's report, President Kennedy (with the approval of the National Security Council, decides to bolster South Vietnam's military strength, but not to commit U.S. combat forces at this time.

November 20: Discussions between U.S. Ambassador Frederick Nolting and President Diem on measures to be taken by both Governments to implement General Taylor's report on South Vietnam and on possible reforms in the Diem administration.

December 8: U.S. State Department publishes white paper that South Vietnam is threatened by clear and present danger of Communist conquest.

December 15: U.S. President Kennedy pledges increased aid to South Vietnam.

1962

January 4: A joint United States-South Vietnamese communique announces "broad economic and social program [to raise living standards] * * * measures to strengthen South Vietnam's defense in the military field are being taken simultaneously."

February 7: Two U.S. Army air support companies totaling 300 men arrive in Saigon, increasing (according to the New York Times) the total of U.S. military personnel in South Vietnam to 4,000.

February 8: United States reorganizes its South Vietnam military command, establishes new U.S. Military Assistance Command, Vietnam under four-star Gen. Paul D. Harkins.

February 24: In a Peiping radio broadcast, Communist China declares her security seriously threatened by an "undeclared war" being waged by the United States in South Vietnam. The broadcast demands the withdrawal of U.S. personnel and equipment.

February 27: Two fighter planes, piloted by members of the South Vietnam Air Force, bomb and strafe Presidential Palace in Saigon for 25 minutes. President Diem and his staff not injured.

March 7: U.S. Operations Mission Director Arthur Z. Gardiner discloses that the United States will spend $200 million to support South Vietnam's economy this year and help raise living standards.

March 17: Tass Soviet news agency publishes Soviet Ministry note to the signatories of the 1954 Geneva Agreements. The note charges the United States with creating "a serious danger to peace" by its "interference" in South Vietnam, in contravention of the

Geneva Agreements, and demands immediate withdrawal of U.S. troops.

March 22: Operation Sunrise, a comprehensive plan to eliminate the Vietcong guerrillas in South Vietnam, begins with a mopping-up operation of rebels in Binh Duong Province.

April 16: In answer to the Soviet note of March 17, the British Foreign Office rejects the Soviet charges and recalls that U.S. measures in South Vietnam were adopted long after the North Vietnamese Government had begun its campaign to overthrow the Government of South Vietnam, and that these North Vietnamese activities "are at the root of the present trouble in South Vietnam."

April 20: National Assembly pledges full support to President Diem's plan to establish thousands of strategic hamlets in the Communist infested Mekong Delta during the current year.

April 26: Foreign Minister Vu Van Mau accuses the Polish team on the ICC of "acting more like a Communist delegation than a neutral body," and says the Government is considering boycotting the delegation.

May 9: At meeting of ANZUS (Australia-New Zealand-United States Defense Pact) Council in Canberra, Australia, U.S. Secretary of State Dean Rusk appeals for "a helping hand" in South Vietnam.

May 12: Communist forces in Laos gain control of large territories; about 2,000 Laotian Royal Army troops with their commander flee into Thailand crossing the Mekong River.

May 15: U.S. troops land in Thailand to help deter a possible Communist attack.

May 22: President Diem promulgates the protection of morality law, which prohibits all dancing and beauty contests, and makes prostitution and unnatural methods of birth control illegal.

May 25: Canadian and Indian members of the ICC find North Vietnam guilty of subversion and covert aggression against South Vietnam. The Polish delegation to the commission rejects the charge.

May 28: President Diem refuses a U.S. proposal that $1.5 million be set aside for direct aid by Americans for emergency counter-insurgency projects.

June 23: North Vietnam's Central Committee of the National Liberation Front for South Vietnam orders intensified attacks against the strategic hamlets in South Vietnam.

June 26: South Vietnam's National Assembly votes to extend its term of office by 1 year, to August 1963. The explanation given is that it is impossible to hold elections now, because it would tie down troops needed against the Communist guerrillas.

July 2: Fourteen-nation Geneva Conference on Laos reconvenes, and on July 23 the Foreign Ministers of the 14 nations sign a declaration on the neutrality of Laos.

July 6: U.S. Secretary of Defense Robert McNamara declares that, while a final victory over the Communists in South Vietnam is years away, he is encouraged by the increased effectiveness of U.S. aid to the South Vietnamese forces.

July 17: Leader of the Communist-run South Vietnam National Liberation Front Nguyen Van Hieu (in Moscow for a World Peace Congress) calls for the neutralization of South Vietnam similar to the 14-nation agreement on the neutrality of Laos.

July 24: U.S. Secretary of Defense McNamara in Honolulu, Hawaii, confers with the commander of U.S. military forces in southeast Asia Gen. Paul Harkins and U.S. Ambassador to South Vietnam Frederick Nolting.

August 19: U.S. aid mission in Saigon discloses that the South Vietnamese Government has agreed to embark on a program of deficit financing to help pay for the struggle against the guerrillas.

August 25: U.S. Embassy in Saigon announces that it will provide $10 million to be distributed by South Vietnamese authorities for emergency projects to help refugees of the guerrilla war.

August 26: Dr. Pham Huy Co, president of the banned Free Democratic Party, announces in Tokyo, where he lives in exile, that he has been clandestinely in South Vietnam and that a meeting of the opposition to the Diem government has been held on a junk off the coast of South Vietnam. The meeting appointed a 30-member National Council of the Revolution to head the anti-Communist, anti-Diem movement.

September 11: Prince Uorodom Sihanouk, of Cambodia, warns that if South Vietnam undertakes two more incursions into Cambodian territory, he will break off diplomatic relations with South Vietnam and establish diplomatic relations with Communist North Vietnam.

September 12: General Taylor, Chairman of the U.S. Joint Chiefs of Staff, visits the Central Highland of South Vietnam where mountain peasants (montagnards) are being trained by the U.S. Special Forces for war against the Vietcong Communist guerrillas.

October 8: United States publishes American war casualties in South Vietnam. Between December 31, 1961, and October 1, 1962, 46 Americans dead, 56 Americans sick or injured.

October 26: National Assembly extends by 1 year President Diem's emergency powers to rule by decree.

November 8: South Vietnam breaks off diplomatic relations with Laos as a result of Laos establishment of diplomatic relations with North Vietnam.

December 6: South Vietnamese Government protests to the ICC against the introduction of Chinese-made weapons and ammunition. A large cache was discovered by a patrol in the Central Highlands.

December 8: President Diem signs a Reorganization of the Army Act creating a fourth Army corps area and making several changes in military command posts.

December 12: Government announces plans to transfer provincial and district administration from military to civilian personnel.

December 29: Government in Saigon announces that 4,077 strategic hamlets have been completed (of a total of 11,182 to be built) and that 39 percent of South Vietnam's population is now living in these communities.

1963

January 2: Vietcong guerrilla force estimated at 200 and armed with automatic weapons engages in an all-day battle against 1,200 government troops and inflicts heavy casualties at Ap Bac, in the Mekong River Delta 35 miles southwest of Saigon.

January 9–11: Adm. Harry D. Felt, commander in chief of U.S. forces in the Pacific confers with Gen. Paul D. Harkins and declares, before his departure, that the Vietcong guerrillas face "inevitable" defeat, and he says: "I am confident the Vietnamese are going to win the war."

January 20: Press reports states that a captured Vietcong document (dated September 1962 and written by a senior Vietcong official) outlines the future of the war in Vietnam as a long and difficult struggle. Reviewing the expansion of U.S. military assistance to South Vietnam within the last year, the document says that the United States is the Vietcong's main enemy and that United States presence will drive many uncommitted Vietnamese to the Communist side. The document foresees a negotiated settlement of the war patterned on the Laotian agreement and it stresses the importance of understanding so-called transitional steps to the achievement of victory.

February 1: U.S. Secretary of Defense Dean Rusk says (at a press conference) that there are "both pluses and minuses" in the U.S. aid program to South Vietnam and he adds that "there is no more difficult, disagreeable, and frustrating type of operation than those that are required to deal with guerrilla action supported from outside of a country, such as we find in that country."

February 2: Pham Huy Co, president of the National Council of the Vietnamese Revolution, claims (in Paris where he is a political exile) that his organization is the source of terrorist bombings which have occurred in Saigon and its suburbs since mid-January. He says the aim of these activities is to hasten the overthrow of the Diem Government.

February 11: U.S. Ambassador Frederick Nolting asks (in a Saigon speech) for greater frankness between U.S. and Vietnamese officials in the fight against the Communist guerrillas.

February 16: Times of Vietnam (in an editorial) attacks U.S. press and demands United States consider censorship of American dispatches from South Vietnam, accusing U.S. correspondents of helping Communist guerrillas and of responsibility for the deaths of United States and Vietnamese personnel engaged in the war.

February 24: U.S. Senate study group, headed by Senate Majority Leader MIKE MANSFIELD, submits a report on southeast Asia made at the request of President Kennedy, to the Senate Foreign Relations Committee. The report warns that the fight against Communist guerrillas in Vietnam is becoming an "American war" which is not justified by U.S. security interests and calls for a "thorough reassessment of our overall security requirements on the southeast Asian mainland." While expressing doubts concerning the results of $5 billion in U.S. aid to southeast Asia since 1950, the report recommends "extreme caution" in reducing military and economic assistance in this area.

February 28: Nguyen Ton Hoan, Secretary General of the Dai-Viet Nationalist Party and a political exile living in Paris, declares (in a letter to President Kennedy) that "President Ngo [Dinh Diem] is incapable of leadership and unamenable to reform. His government may suddenly collapse in the near future and leave a vacuum into which the Communists will gladly step—unless both the American authorities and Vietnamese nationalist leaders are prepared to cope with such an emergency together instead of working at cross purposes."

March 6: U.S. military sources report that the Vietnamese Navy has taken over patrol of South Vietnam's coast from the U.S. 7th Fleet.

March 9: Soviet newspaper Red Star, official publication of the Soviet Defense Ministry, charges that "American interventionists have again used poison substances in South Vietnam" resulting in the killing of hundreds of people. On the same day, U.S. Defense Department denies the Soviet charges. Of the chemical now in use, the Department says, "It is nontoxic to humans when used in the prescribed manner, that is, sprayed on trees and under bushes in the open air."

April 8–10: SEATO Ministerial Council meeting in Paris (to discuss the Communist threat to southeast Asia) issues communique on April 10 expressing "concern over the continuing and widening threats to the security" of the treaty area; takes note of the "considerable progress" made in South Vietnam in the fight against Communist subversion and rebellion; emphasizes that effective measures to "prevent and counter subversion continues to be a major task facing the member countries"; and notes the improvements in the "plans for defensive action, in the light of changing and anticipated situations."

April 14: U.S. Under Secretary of State Averell Harriman (in a television interview) says that President Kennedy has decided that the United States must not become involved in the continuing conflict in Laos. He says that there are no plans to commit U.S. troops, and military supplies will only be sent if requested by the Laotian Government.

April 17: President Diem proclaims an "open arms" campaign to induce Vietcong guerrillas to give up their weapons and return to the side of South Vietnam.

April 22: U.S. Secretary of State Dean Rusk calls the situation in South Vietnam "difficult and dangerous," and says that the United States "cannot promise or expect a quick victory" and that its role is "limited and supporting."

May 8: Riot erupts in northern city of Hue, former imperial capital, 400 miles north of Saigon. Involves Buddhist celebration of the anniversary of Buddha's birth and the flying of flags on the special day. Twelve persons are killed, including some children. Buddhist leaders charge that Government troops fired into the crowd, while Government officials say that Communists were responsible for the explosion.

May 9: South Vietnam concludes agreement with the United States in which South Vietnam will finance the local cost ($17 million) of operating its strategic hamlet program and transporting U.S. economic and military equipment, food and other supplies to these settlements.

June 3: Buddhist demonstrations break out in Hue. Martial law is swiftly imposed.

June 7: President Diem (in a broadcast) appeals for calm and makes a partial concession to Buddhist demands that the Government accept responsibility for the incidents in Hue.

June 11: Buddhist monk (Thich Quang Duc) commits suicide by burning himself to death with gasoline in front of the Cambodian legation. Further aggravates religious crisis involving South Vietnamese Buddhists.

June 14: Press reports state that the United States has warned President Diem that unless he takes immediate steps to alleviate Buddhist grievances the United States will publicly condemn the treatment they have received.

June 15: Tentative agreement is reached between Buddhist leaders and representatives of President Diem to end alleged religious discrimination and meet Buddhist demands.

June 16: Government troops use tanks, tear gas, clubs, firearms, and barbed wire to suppress riots in Saigon which follow an agreement between Buddhist leaders and the Government.

June 27: President Kennedy announces (in Ireland while on a European tour) the appointment of Henry Cabot Lodge as the next American Ambassador to South Vietnam, effective September 1963, to succeed Frederick Nolting.

July 5: Trial of 19 Vietnamese paratroopers, admitted leaders of a revolt against the Diem government in November 1960 opens in Saigon. Prosecutor accuses former U.S. Embassy personnel of aiding the conspiracy to overthrow regime. Denied by the United States.

July 7: Nine correspondents for U.S. news services in South Vietnam, including seven American, are physically assaulted by secret policemen armed with rocks at the scene of a memorial service for a Buddhist monk who committed suicide on June 11.

July 9: Trial of 34 civilians, including Dr. Phan Quang Dan, leader of the Free Democratic Party, allegedly involved in a plot to overthrow President Diem in 1960, opens before a military tribunal in Saigon. Nguyen Tuong Tam, a Buddhist and a prominent author, scheduled to be tried, commits suicide by poison.

July 11: U.S. Ambassador Nolting returns to South Vietnam after consultations in Washington and issues a statement assuring continued U.S. support to President Diem and warning that "unity of purpose and purpose in action" must not be weakened by "internal dissension."

July 15: Buddhist supreme leader, Thich Thinh Khiet, in a letter to President Diem, charges the Government with bad faith concerning the agreement of June 15 and says that there have been "acts of a terrorist nature" against Buddhists throughout the country.

July 17: Armed policemen use clubs against 1,000 Buddhists protesting religious discrimination in front of a pagoda in Saigon. On the same day, President Kennedy says (at his news conference) that the religious crisis in South Vietnam is interfering with the war effort against the Vietcong guerrillas and expresses hope that President Diem and Buddhist leaders will "reach an agreement on the civil disturbances and also in respect for the rights of others."

July 18: President Diem asks Buddhist leaders to meet with Government officials and say that he has instructed a special committee to cooperate with Buddhists in implementing an earlier agreement and that all Government officials have been instructed to cooperate actively in this effort. However, Buddhist leaders indicate an unwillingness to negotiate with Government officials until certain conditions are fulfilled. Secret policemen who have attacked Buddhist demonstrators must be publicly identified; prisoners being detained for their part in earlier riots must be released; permission to print missing persons notices in newspapers to locate Buddhists who have disappeared must be granted.

July 23: Militiamen, war veterans, and widows parade through the streets of Saigon to demonstrate support for Government policies in the Buddhist dispute.

July 30: Memorial services for Thich Quang Duc who committed suicide to protest alleged persecution by the Government are attended by thousands of Buddhists in Saigon, Hue and other cities. Peaceful demonstrations are staged without Government interference.

August 1: Mme. Ngo Dinh Nhu, sister-in-law of President Diem, declares in an interview for television: "The only thing that they (the Buddhists) have done * * * (is that they) have barbecued one of their monks whom they have intoxicated. And even that barbecuing was not even with self-sufficient means, because they used imported gasoline."

August 3: Ngo Dinh Nhu, brother of President Diem, says (in an interview) that if the dispute with the Buddhists is not settled "it will lead toward a coup d'etat" which would be anti-American, anti-Buddhist, and against "weakness by the Government."

August 4: Young Buddhist monk suddenly immolates himself during a hunger strike at Phan Tiet.

August 13: U.S. Assistant Secretary of State for Far Eastern Affairs Roger Hilsman declares (at a Washington press conference) that there are signs that the Buddhist crisis in South Vietnam "is beginning to affect the war effort and to benefit the Communists, which none of the Vietnamese want, either the Government or the Buddhists."

August 17: Forty-seven faculty members at the University of Hue resign to protest Government indifference in the Buddhist crisis and the dismissal of the university's rector.

August 20: Vietcong guerrillas overrun and burn 137 homes in the Ben Tuong strategic hamlet, 30 miles north of Saigon. It was the showplace of the strategic hamlet program.

August 21: Martial law is proclaimed throughout South Vietnam by President Diem after hundreds of armed police and Government troops raided the main Buddhist Xa Loi pagoda in Saigon.

August 22: Foreign Minister Vu Van Mau (a Buddhist) submits his resignation to President Diem. Also on the same day, South Vietnam's Ambassador to the United States Tran Van Chuong (father of Mme. Ngo Dinh Nhu) resigns. Both resign in disapproval of Government policies toward Buddhists.

August 23: Student demonstrations at Saigon University in opposition to Government disperse before police arrive on the scene. But the following day there are direct clashes, and many students are confined to jail.

August 26: U.S. Ambassador Henry Cabot Lodge presents his credentials to President Diem and confers with him at a second meeting on the same day. On the same day, U.S. State Department declares: "Present information is that the top leadership of the Vietnamese Army was not aware of the plans to attack the pagodas, much less the brutal manner in which it was carried out."

August 28: Joint General Staff of the Vietnamese Army issues a reply to the U.S. statement insisting that "These allegations are entirely and absolutely erroneous."

August 29: French President de Gaulle issues controversial policy statement on South Vietnam. He declares that France is able "to appreciate the role this people would be capable of playing in the current situation of Asia for its own progress and for the benefit of international understanding once it was able to exercise its activity in independence from foreign influence, in internal peace and unity, and in concord with its neighbors. Today, more than ever, this is what France wishes to all of Vietnam."

August 30: French Ambassador to the United States Herve Alphand declares, afte meeting with U.S. Secretary of State Dean Rusk, that General de Gaulle's statement is part of a long-range French political solution which would reunify North and South Vietnam in "independence and neutrality" and that his declaration is not meant as a slap at the United States.

September 1: Three Buddhist monks, including Thich Tri Quang, take refuge in U.S. Agency for International Development mission headquarters in Saigon.

September 2: Times of Vietnam charges that U.S. Central Intelligence Agency agents had planned a coup d'etat for August 28 to overthrow President Diem. On the same day, U.S. President Kennedy declares (in a television interview with CBS Correspondent Walter Cronkite) that the United States is prepared to continue to assist South Vietnam "but I don't think that the war can be won unless the people support the effort and, in my opinion, in the last 2 months, the Government has gotten out of touch with the people."

September 3: Group of 56 African and Asian UN members decides to ask the U.N. General Assembly to consider "the question of the violation of human rights in South Vietnam" at its next session which begins September 17.

September 5: President Diem declares (in a press interview) that "the Government considers this [Buddhist] affair closed." He denies reports that his brother Ngo Dinh Nhu has taken control of the Government. On the same day, Ngo Dinh Nhu says (in a press interview): "I have never controlled the Government."

September 7: About 800 high school students are arrested by armed police and Special Forces (secret police) while engaged in anti-Government demonstrations in Saigon. "For the first time in student demonstrations here, the slogans they shouted included criticism of the United States" (New York Times, September 8, 1963).

September 8: David Bell, Administrator of the U.S. Agency for International Development, warns (in a television interview) that the U.S. Congress may cut back aid to South Vietnam unless the Diem Government changes its policies. On the same day press reports emanating from "highly reliable sources" in Washington state that the U.S. Central Intelligence Agency has decided to continue making regular monthly payments of $250,000 to support the special forces of Col. Le Quang Tung in South Vietnam.

September 9: President Kennedy (in a televised interview) says that "it would not be helpful at this time" to reduce U.S. aid to South Vietnam, because that might bring about a collapse similar to that of the Chiang Kai-shek Government in China after World War II. On the same day, U.S. Ambassador Henry Cabot Lodge confers with President Diem "The United States has directly advised President Ngo Dinh Diem * * * that it regards the removal of his brother Ngo Dinh Nhu as vital" (New York Times, September 12, 1963).

September 12: U.S. Senator FRANK CHURCH, Democrat, of Idaho, introduces a resolution (sponsored by 18 Democrats and 4 Republicans) in the Senate which calls for ending all U.S. military and economic aid to South Vietnam and withdrawal of U.S. troops unless the Diem Government abandons its policy of "cruel repressions."

September 14: Presidential decree announces end of martial law on September 16.

September 16: Fourteen Afro-Asian nations demand a debate in the U.N. General Assembly (opening its fall session on September 17) on the "ruthless" suppression of Buddhist rights in South Vietnam.

September 20: U.S. Senate Majority Leader MIKE MANSFIELD, Democrat, of Montana, speaking in the Senate calls on all U.S. agencies in South Vietnam to give full support to U.S. Ambassador Henry Cabot Lodge. Observers interpreted the speech as being directed against the CIA and some elements in the American military mission to Vietnam.

September 21: President Kennedy orders Secretary of Defense Robert S. McNamara and Gen. Maxwell D Taylor, chairman of the Joint Chiefs of Staff, to go to South Vietnam to review the military efforts against the Communist Vietcong. McNamara and Taylor in South Vietnam during September 24 to October 1.

September 22: Mme. Ngo Dinh Nhu, sister-in-law of President Diem, declares (in a press interview in Rome) that junior U.S. Army officers in South Vietnam are irresponsible "little soldiers of fortune."

September 27: Elections are held for the 123-member National Assembly. All candidates were approved in advance by the Government; many were unopposed, including President Diem's brother, Ngo Dinh Nhu, and his wife, Mme. Nhu.

October 2: Secretary of Defense Robert S. McNamara and Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, report to President Kennedy and the National Security Council on their mission to South Vietnam. The statement says that the United States will continue its "policy of working with the people and Government of South Vietnam to deny this country to communism and to suppress the externally stimulated and supported insurgency of the Vietcong as promptly as possible. Effective performance in this undertaking is the central object of our policy in South Vietnam."

October 5: Buddhist monk burns himself to death in Saigon—the sixth such suicide since June 11. Three U.S. journalists who see the suicide are beaten by police. On the same day, the head of U.S. Central Intelligence Agency operations in Saigon (John H. Richardson) is recalled to Washington.

October 7: Mme. Ngo Dinh Nhu, sister-in-law of President Diem, arrives in New York to begin a 3-week unofficial visit to the United States.

October 8: U.N. General Assembly agrees to send a factfinding mission to South Vietnam to investigate charges of Government oppression of Buddhists. The Diem government on October 4 had invited the U.N. to send such a mission.

October 17: Ngo Dinh Nhu, chief adviser of President Diem, declares (in a press interview in Saigon) that he cannot understand why the United States has "initiated a process of disintegration in Vietnam." He adds that "the confidence between the Vietnamese people and the American Government has been lost."

October 21: It is disclosed in Washington and Saigon that the United States will withhold financial aid to the special forces of Col. Le Quang Tung as long as they are not used to fight Communist guerrillas.

October 24: U.N. factfinding mission on the Buddhist situation in South Vietnam arrives in Saigon, and on the next day confers with President Diem and his brother, Ngo Dinh Nhu.

October 27: Buddhist monk burns himself to death in Saigon—the seventh such suicide since June 11.

October 31: Vietcong guerrillas attack an armored train north of Saigon, inflict heavy casualties on Government troops, and seize a large number of weapons.

November 1: Military coup (organized by the key generals of the armed forces) against the Diem regime. Rebels lay seige to the Presidential Palace in Saigon which is captured by the following morning. President Diem and his brother, Ngo Dinh Nhu escape from the palace, but a few hours later are taken by the rebels, and while being transported in an armored carrier to rebel headquarters they are assassinated. A proclamation broadcast by the leaders of the coup (a council of generals, headed by Maj. Gen. Duong Van Minh) declares that they have "no political ambitions" and that the fight against the Communists must be carried on to a successful conclusion.

November 2: Military leaders set up a provisional government headed by former Vice President Nguyen Ngoc Tho (a Buddhist) as Premier. The Constitution is suspended and the National Assembly dissolved. Buddhists, students and other political prisoners arrested by the former regime are released.

November 4: Premier Nguyen Ngoc Tho announces formation of a mixed military-civilian Cabinet which has been approved by the military leaders.

November 7: United States recognizes the new provisional Government of South Vietnam.

EXHIBIT 5

DEAD END IN VIETNAM

WE CAN'T WIN, BUT WE NEED NOT LOSE—I

(By Jerry A. Rose) [1]

SAIGON.—The war in South Vietnam cannot be won. That is now the on-the-spot opinion of numerous Vietnamese, American and other foreign experts. After 4 years of closely observing the situation, I concur. But it is unlikely that the Secretary of Defense, Robert McNamara, and the Chairman of the Joint Chiefs of Staff, Gen. Maxwell Taylor, have reached a similar conclusion, though they have heard passionately contradictory viewpoints. There are powerful voices of optimism.

Gen. Paul D. Harkins, Commander of the Military Assistance Command, is one such voice. To many of us long in the area, his voice is like a frightening echo of past American commanders. Gen. "Hanging Sam" Williams considered President Ngo Dinh Diem a near brother and felt that the Vietcong guerrillas could be eliminated with tanks and howitzers—and while he was molding the Vietnamese troops into standard warfare units, guerrilla terrorism increased. But Williams chose to ignore that lethal increase. Then came Gen. Lionel "Stonehead" McGarr, who once told me that "President Diem is a genius, a genius." McGarr, to the day he left Vietnam because of "heart trouble," stoutly contended that the guerrillas were being contained. The opposite was true to any rational observer. Strangely, the tradition of rosy optimism dates back to French commanders during the Indochina War who saw a final victory forever around the corner until one day they turned the corner and ran smack into Dien Bien Phu.

"Vietnam has been the burial ground for more generals and diplomats than any other place on earth," said a laconic reporter the day Ambassador Frederick Nolting departed. And indeed it has, though more realism and less wishful thinking may have saved their own necks and the nation's. Lesser officials and the much-maligned correspondents have called the hard, unpleasant but realistic shots. To do so is not difficult; it takes but a recognition of the basic factors involved in Vietnam and in guerrilla warfare. And the most basic of these factors is the attitude of the people toward their government and national leader. But for some reason, diplomats, soldiers in the field, and politicians in Washington are unable to grasp the importance of the people. While forever raising wet fingers to the wind of public opinion in the United States, the policymakers appear to operate on the belief that Asian people have no opinions, and even if they did have an opinion, it would carry no weight. A good Gallup poll would easily disprove the former proposition, and history has proved time and again the fallacy of the latter.

During their week's stay in Vietnam, McNamara and Taylor got little if any inkling of Vietnamese public opinion and of its significance in the war effort. Rather, they have been evaluating the war largely through military statistics. Such statistics—when accurate—indicate trends but not solutions. The trend is: Greater Vietcong activity, increased casualties on both sides (with the Government suffering generally fewer), and the crucial ratio of weapons lost and gained favoring the enemy by at least 2 to 1. A recent tabulation within 1 week showed the guerrillas to have captured 360 weapons from the Government while losing only 150 to the national forces. These figures tell a clear story: The Vietcong are winning the ground battles, though they incur heavy casualties from Government airstrikes. Thus, with a steady flow of weapons from within South Vietnam—and an increasing stream of Communist-bloc weapons being smuggled to the guerrillas from the outside—it is not surprising that the hard-core Vietcong force has jumped by an estimated 8,000 men in the last several months. There are now some 31,000 Communist guerrillas, well above last year's figure of 20,000 to 25,000.

Nevertheless, $1.5 million a day and about 17,000 active U.S. military men has had some positive effect. The keynote strategic hamlet plan to urbanize and control the population goes well north of Saigon. As of September 8,227 strategic hamlets have been built, encompassing 76 percent of the population or 9.6 million people. In costal provinces such as Quang Ngai, once a Vietcong stronghold, the "hamletization" coupled with sound agricultural projects (small dams for irrigation, tons of fertilizer and pesticides) has gone far to winning back the support of the people. And here, notable military victories have been won—for it only takes one government-oriented peasant to inform on the movements of the Vietcong, one peasant

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[1] Jerry A. Rose, former Far Eastern correspondent for Time magazine, now resides in Hong Kong where he does freelance writing on the Far East.

actively supporting the Government. With solid information, the military can prepare itself. Just recently the Government caught the guerrillas by surprise and gained a decisive battle because one old lady came in to report the Vietcong's position.

"We're lucky to hold our own"

Incredible though it is, that one active individual is lacking in most areas of the Mekong Delta, the economic heart of South Vietnam. Americans working with the strategic hamlet plan in the delta readily admit that the program is floundering, has made little progress. Militarily, the situation is equally unsatisfactory. Commented an American general: "Below the Bassac River, we're lucky to hold our own." Many feel that we are not even doing that.

This economic heart of South Vietnam, the Mekong Delta, has suffered severe strokes over the last several years. In 1961, rice exports from the area—Vietnam's major export product—were totally suspended. The exports began to diminish in 1962. Now, they have again been halted. Despite the vast American aid, the Government is finding itself short of cash. For example, this year the strategic hamlet program was calculated to cost about $30 million. The United States was to pay the first 6 months (to the end of June), the Vietnamese the latter half of the year. As of September, the Diem government had not yet started to fulfill its part of the agreement. From July of 1962 to July of this year, Vietnam's foreign and gold reserves fell from $200 million to $130 million. The national bank is reported to have a piaster reserve of only $14 million. And Vietnam's debts to foreign banks amount to some $140 million (which is one reason why hardheaded Hong Kong businessmen decided to cease trading with the country).

"Right now, our greatest danger," said a Vietnamese economist, "is national bankruptcy and wild inflation."

Part of this economic condition is due directly to President Diem. He will not listen to the counsel of his own trained economists.

Similarly, President Diem refused to listen to reasoning voices of moderation when the Buddhist trouble erupted. He took brother Nhu's advice and cracked down harshly. He has echoed his sister-in-law, the now infamous Madame Nhu, in calling the self-immolation of a Buddhish monk a murder. Then the Vietnamese students began to riot, and over 8,000 teenagers, both girls and boys, were imprisoned. Ministers of the state, civil officials, army officers went to the prisons with packages of clothing and food for their sons and daughters. Throughout the country, the word of these events—both with the Buddhists and the students—slowly seeps down. (Slowly seeps down, for news does not travel quickly.) Slowly seeps down and takes seed in the minds of the Vietnamese people, who are perhaps the most politically sophisticated people in Asia, for they have suffered the wars of politics for more than 20 years. They have listened to many political ideologies. They have learned to choose cautiously, but they have also learned that to survive they must, sooner or later, choose a side. The repression against the students and the Buddhists will inevitably affect their choice, for they are no different from any other peoples in the world. They do not like to see their religious leaders or their young people persecuted.

Yet, almost unbelievably, some U.S. officials maintain that the Buddhist and student demonstrations have not affected and will not affect the people and the "way the war is going." It has been said many times now, by U.S. Army officers, by disinterested observers, by journalists, by Communist guerrilla leaders themselves that "a guerrilla war cannot be won by military means alone," that "the people are the key to victory." It has been said so many times that the statement has become cliche. It is true nevertheless—except I believe that the roots of rancor now run so deep in South Vietnam that the people can no longer be won over, at least not enough of them to result in clear-cut stability.

"Outside of a miracle, a genius—like Magsaysay—coming to the fore," said one American in Saigon who has dedicated all his energies over the last 3 years to South Vietnam, "this country is lost." Then, rather wearily, he murmured: "Leadership, leadership." Even as late as last year, popular leadership may have spelled the difference. Today, the grassroot strength of the Vietcong appears so strong, particularly in the delta, that it seems unlikely any leader could shake it.

On top of this a few hardheaded observers contend that the war could never have been won. Said one Australian diplomat: "We must clearly define what we mean by 'winning' the war. An outright victory is impossible. Stability as existed in 1957 might still be achieved—but as then, there will always be terrorism." While acknowledging the need of sound and popular leadership to gain that 1957 stability, this gentleman points to South Vietnam's long, gaping borders: a border with Cambodia, another with Laos, a third with North Vietnam. "Porous borders," he calls them—they could never be sealed off; they would always permit a shower of infiltrators, terrorists. Thus: "In that sense, the war cannot be won. Peace cannot be established."

According to good estimates, last year infiltration into South Vietnam ran in the neighborhood of 1,000 men per month. This year it fell off for awhile to almost nothing, now it is back to around 500 per month. But the shocking factor is not the actual number of infiltrators but the capacity for infiltration. An intelligence expert told me bluntly: "If North Vietnam wanted to, they could send down 20,000 infiltrators in one swoop and it would be 2 weeks before we knew it."

Now let us review briefly the current situation in South Vietnam: (1) a national leader who is unpopular and whose family is detested; (2) a nation of discontented people, two segments of which (Buddhists and students) have overtly demonstrated their unhappiness, another segment which covertly demonstrates its unhappiness (by siding with the Vietcong), a final segment which remains for the time being passive (popular passivity helps the Vietcong—for the government needs active informers); (3) a shaky, inflationary economy; (4) a war that grows fiercer each week despite vast American aid in both money, materiel and personnel; and (5) "porous borders" with three countries that permit a steady influx of guerrillas.

Take these five elements, place them against the stated American policy in South Vietnam: "To win and get out," and it should be starkly clear that the United States is at a dead end. We cannot win.

But we do not necessarily have to lose. That is, though an outright victory over the guerrillas now seems impossible (and I believe that despite the borders it was once possible), an outright defeat can still be prevented. But U.S. thinking must undergo some radical changes. Washington must begin to consider the proposition that peace to South Vietnam will come not on the battlefield but only at the conference table. And I do not mean General de Gaulle's conference table. Within the foreseeable future, reunification of the North and South could only result in a final Communist victory. But there are other possibilities. To understand them, one must be aware of the difficult position of the Democratic Republic of (North) Vietnam.

An Asian Yugoslavia?

In the slow-seething years before Red China and the Soviet Union split totally asunder, North Vietnam's President Ho Chi Minh tried to play the neutral moderator. He preferred the Russians, but the proximity of China did not permit him to take sides. He knew that to become an oriental Albania was to risk eventual destruction. Now, since the split, Ho has, by necessity, leaned more toward China. But the Chinese ruled Vietnam for almost 2,000 years, and China has never ceased to look hungrily at Vietnam's rice bowl, the Mekong Delta. In fact, it is the Mekong Delta which the North itself wants, and needs, to achieve a solid economy (the North has always been industrial, the South agricultural). All Vietnamese have a natural dislike, suspicion, and fear of the Chinese, and it is highly probable that Ho Chi Minh and the other Communist leaders of the North would do much to disengage themselves from China's sphere of influence. They could do this if they were able to trade for food with South Vietnam and for material with the West. And they likely would be willing to enter into trade relations, cease hostilities—become a sort of Asian Yugoslavia—providing they were convinced an outright victory could not be gained in the South within a reasonable length of time. The United States must convince the North it cannot win soon or easily.

This could be done if President Diem were removed, a better leader emerged, popular support gained to some degree, the morale and efficiency of the Vietnamese Army improved. As Diem obviously is not easily removed, alternatives must be examined. One alternative is to put a division or more of American combat troops into action. Coupled with this direct involvement would be the establishment of a dual chain of United States-Vietnamese Army commands that ignored and bypassed the President. We could continue to finance the Vietnamese Army, but through nongovernmental channels. We could also cut back on our budgetary support.

North Vietnam's response to this challenge could only be to heavily step up infiltration with large units of soldiers. The moment it does, three important changes occur in the nature of the war: (1) North Vietnam will begin to suffer the financial burden of war, a burden which it can ill afford; (2) sooner or later one of these infiltrating units will be captured and North Vietnam will be inextricably caught in the act of aggression; and (3) with definite proof of aggression, North Vietnam will leave itself open to direct retaliation, as through bombing attacks. At such a point, would the war escalate?

The North Vietnamese do not want to be devastated, nor are they prepared to finance a war the size of the Korean conflict. Neither is Red China in any financial position to engage on a lengthy battlefield. The Soviet Union not only has been detaching itself from this part of the world, but also seems to wish peace as much as the United States. The conference table stands ready. The contract for peace is comparatively simple: Trade relations in exchange for nonaggression.

To sum up: One solution now for the United States appears to be a show of power in South Vietnam which would pave the way toward a compromising settlement. But is the risk of a power play warranted? Southeast Asia has been likened to a "set of dominoes." If South Vietnam falls, the rest of the blocks go too. It would seem, therefore, that it is in the high interest of the United States, as a leader and a system of

government, to risk much in stabilizing that tottering block.

CIA's "thirst for power"

In a scathing dispatch from Saigon dated October 2, Richard Starnes of Scripps-Howard reported that on two occasions the CIA in Vietnam "flatly refused to carry out instructions from Ambassador Henry Cabot Lodge." In one instance, "the CIA frustrated a plan of action Mr. Lodge brought with him from Washington, because the Agency disagreed with it." Mr. Starnes also said that:

"CIA 'spooks' (a universal term for secret agents here) have penetrated every branch of the American community in Saigon. * * * Few people other than John Richardson [Chief of the CIA appartus in Vietnam] and his close aides know the actual CIA strength here, but a widely used figure is 600."

"For every State Department aid here who will tell you 'Dammit, the CIA is supposed to gather information, not make policy, but policymaking is what they're doing here' there are military officers who scream over the way the spooks dabble in military operations.

"One very high American official here, a man who has spent much of his life in the service of democracy, likened the CIA's growth to a malignancy, and added he was not sure even the White House could control it any longer."

The story of the CIA in South Vietnam, said Mr. Starnes, "is a dismal chronicle of bureaucratic arrogance, obstinate disregard of orders, and unrestrained thirst for power."

NEGOTIATING WITH THE NORTH—II

(By Ho Thong Minh) [2]

When he returned to Vietnam in June 1954, Ngo Dinh Diem asked me to work with him. I resigned as Minister of National Defense on April 29, 1955, end of a brief 9-month period during which, as a result of the Geneva agreements, peace was temporarily restored. After 16 years of war, it did not seem to me that South Vietnam could continue moving toward its own reconstruction in a spirit of unity and harmony. All hope of positive advance had been made impossible by the nefarious activities of the Ngo clan.

At present South Vietnam has a population of 14 million (as many as the former Belgian Congo). Inside the nation a facade of republicanism conceals the sordid realities: Corruption, informer tactics, stagnation, the denial of all democracy. It is a dismal and telling contrast to recall that under Syngman Rhee in South Korea there were some 90-odd opposition deputies in office at Seoul, whereas Diem refuses to tolerate a single one at Saigon. The Diem regime claims to be anti-Communist, but its thinking and its actions are patterned after the psychological warfare of the French colonels. It has successively gotten rid of Bao-Dai, of the various religious sects, of the French, of all domestic opposition, of the Buddhists, of the Vietnamese people themselves, and now, finally, it is in difficulty with the Americans.

The amount of U.S. aid to South Vietnam (and hence to the Ngo clan) is comparable to the contribution which France was making not so long ago to Algeria. Between direct military and economic aid and its own expenses for maintaining U.S. troops in Vietnam, the United States pours annually into the yawning South Vietnamese pit the sum of $700 million. This expenditure enables the United States to equip an army of over half a million Vietnamese (510,000, to be precise) on territory only half the size of the area where, in 1954, the French and Vietnamese together mustered only 450,000 men. All that money and military manpower—only to be held at bay by 50 Vietcong battalions all told.

The whole world has become aware of the drama which is being enacted in South Vietnam, and the Diem regime is as sharply criticized abroad as at home. How is the impasse to be got around? Although the people of South Vietnam are resolutely committed to a program of defiance and insurrection, they aspire beyond this to surviving as a free and independent nation. They are certain that the Ngo regime must end and are already looking forward to the prospect of peace. But by what road is this peace to be achieved?

The current situation renders imperative (first of all) the overthrow of the Diem regime; for this the Vietnamese Army will be the ineluctable instrument, and in this connection, the Americans are increasing their effort to dissociate the army from the present government at Saigon. Next should come the cessation of foreign intervention—in other words, both the Americans and the infiltrators from the North should depart. This, of course, can only be done by a truce, a suspension of hostilities, with the Vietcong. Thirdly, after the foreign bases have been eliminated, it will be necessary to have solid international guarantees so as to make the present SEATO troops unnecessary.

If these three steps could be taken, it would then at last be possible for the two Vietnams to sit down together and settle their problems. Of course national reunification continues to be the ultimate goal of the Vietnamese. But for the time being political realities require compromise solutions. Everyone knows that North Vietnam is directed by a Communist regime which seeks to maintain an attitude of neutrality as between Peiping and Moscow. Under these circumstances and for the immediate present, the next South Vietnamese government can hardly be anything but non-Communist. In fact, if it were anti-Communist, practically nothing would be changed and there would be a danger of the country being swallowed up in Diemism without Diem. If, on the other hand, the new regime were to welcome Communists in the government, it could no longer speak as equal to equal in independent conversations with the North. Furthermore, one need look only as far as Laos to find an example of the very great difficulties which could rapidly become insurmountable if the Vietnamese Government were to be a three-headed coalition—and the example is still more compelling when one considers that Laos is all one country, not cut in two pieces like Vietnam. A future non-Communist regime in Saigon could, however, where domestic problems are concerned, invite the participation of all Vietnamese patriots, from the Buddhist clergy to the National Liberation Front, provided they are not Communists.

In the international sphere, such a regime could contribute to peace in southeast Asia by adopting the same neutralist attitudes as those of its neighbor, Cambodia. It would certainly not oppose the diplomatic recognition of North Vietnam by France. In this way, France would fulfill a privileged role—providing a connecting link for economic unity and, most particularly, for cultural unity, the lines of which would be laid down between the two Vietnams in their efforts to establish the united and independent Vietnam which General de Gaulle has recently and rightly envisaged.

There remains the crucial problem of the confrontation between China and the West in southeast Asia. Here it is possible to believe that the present conflict between Peiping and Moscow has been brought about less by ideological differences than by differences in the level of economic development. When China attains the level of economic development that now prevails in the U.S.S.R., it too will surely feel that it must protect the progress it has made by practicing peaceful coexistence.

In any event, things being as they are, the foregoing program and prospects are those which seem to me within the realm of the possible.

A TALK WITH HO CHI MINH—III

(By Bernard B. Fall)

As the second Indochina war now grinds on into its 4th year, a large-scale reappraisal is under way both among Americans in Saigon and in Washington as to the ultimate objectives and outcome of that war. For the time being, no solution envisaged considers seriously the possibility of talks with the real enemy by proxy, North Vietnam. In fact, it is not without significance that the only open reference made to such negotiations came from no one else but South Vietnam's secret police chief, Ngo Dinh Nhu, in his recent interview with an American columnist, Nhu, beyond a doubt seeks to use at least the threat—if not the reality—of such south-north contacts as a counterblackmail against the United States which has thus far (and with conspicuous unsuccess) sought his and his wife's removal from Vietnamese politics.

Thus, negotiating with North Vietnam—or, for that matter, any kind of contact with that country—has become another bogey that, in the months to come, may supplant Cuba and even Red China in the public eye. Of course, as even a brief stay in North Vietnam shows, that attitude cuts both ways: In Hanoi, the only kind of demonstration that is allowed is directed against the United States, the Ngo family, or, on occasion, against the Indian and Canadian (not the Polish, of course) members of the lame-duck International Control Commission which still supervises the implementation of the civil liberties and disarmament provisions of the 1954 Indochina cease-fire. The Commission's lack of effectiveness makes it a permanent monument to the impossibility of settling a dispute when it directly involves the prestige or interests of both of the major power blocs.

French non-Communist writers have been able, over the years, to visit North Vietnam, just as Canadian, Australian and British writers have been able to visit Red China. In my own case, the fact that I had written a solidly-documented (and, hence, unflattering) book in French about North Vietnam, perhaps incited the North Vietnamese leaders to be franker than usual. What follows is based on notes taken in the course of a conversation which took place in July 1962 supplemented by a tape recording made during that conversation and by notes made immediately afterward, while my memory was fresh. It is a verbatim translation from the original French, and leaves out only some of the usual banter.

A brief note on the North Vietnamese leaders involved: Prime Minister Pham Van Dong, born in 1906 in Central Vietnam, is of senior mandarin origin; in fact, say some, he outranks President Ngo Dinh Diem. While Diem's father was chief of cabinet to Emperor Thanh-Thi, Dong's father held the same post under Emperor Duy-Tan. A graduate of Chiang Kai-shek's own Whampoa Military Academy (class of 1925), Dong has been Ho's Prime Minister and probably closest associate since 1955.

Ho Chi Minh, born in 1890 in Central Vietnam, was a revolutionary since his age of 14, when to Europe in 1911, became a cofounder of the French Communist Party in 1920 and a French delegate to the Komintern in 1923. He founded the Indochinese Communist Party in 1930 and became President of the Democratic Republic of Vietnam (DRVN) on September 2, 1945. He unquestionably is the most important Asian

[2] Ho Thong Minh, a 43-year-old civil engineer, now lives in Paris where he is the moving spirit behind the group Pour Le Vietnam. His comments were first published in Le Monde of September 19.

Communist leader after Mao Tse-tung, and the last of the Old Bolsheviks in power anywhere in the Communist world.

All remarks made by Dong are preceded by "P"; those made by Ho by "H," and those made by myself by "F." My own explanations are placed in brackets.

[Pham Van Dong meets me in the corridor of the presidential residence; wears a khaki Mao Tse-tung suit; invites me to a sitting room overlooking the formal gardens.]

P. Please make yourself at home, Monsieur le Professeur, take off your jacket [takes off his own jacket]. I know how it is here during the rainy season. I hope you are enjoying your trip throughout North Vietnam, and that you find us cooperative.

F. Thank you, Monsieur le Prime Minister, your subordinates indeed have generally been cooperative.

P. I remember, however, that you said in your book Le Viet-Minh that we are not a democratic country. Do you still feel the same way about this?

F. Well, Monsieur le Prime Minister, all my color films were impounded upon my arrival at Hanoi Airport. I don't think you would call this in accordance with democratic procedures.

P [laughing]. Oh, those are general rules which apply to everybody. [While theoretically true, the rule obviously applies to Westerners only. In addition, all black-and-white film has to be exposed prior to departure and the developed film submitted to the Foreign Ministry for censorship. Even so, the airport police again inspected my films prior to departure.]

F. Monsieur le Prime Minister, North Vietnam has had some serious economic difficulties. Do you believe that they have been mastered?

P. As you know, the recent Seventh plenary session of the [Vietnamese] Communist Party's Central Committee has decided to give priority to basic heavy industries, although attention will be paid to a proper balance with agriculture and consumer goods production.

We base ourselves upon the Marxist economic viewpoint: Heavy industrial development is essential to Socialist construction, but we also understand the importance of the "full belly." In any case, we do not seek to bluff and will not put emphasis on "showpiece" industries but on sound and useful economic development.

Yes, we have made economic mistakes, due mainly to our backwardness and ignorance in the field of economic planning. Not all of those errors have yet been corrected and some of their effects are still felt, but we try to overcome them rapidly, thanks to help from friendly countries.

F. Monsieur le Prime Minister, President Ho Chi Minh made a declaration to the Daily Express [London] in March 1962, referring to the conditions under which North Vietnam would negotiate a settlement with the South. Has anything happened in the meantime which would change those conditions?

P. Our position has remained largely unchanged since President Ho Chi Minh's declaration. What has changed, however, is the extent of American intervention in South Vietnam, which has continued to increase and to take over increased responsibilities and control over the [Ngo Dinh] Diem regime.

The real enemy is American intervention. It is of little importance as to who the American agent in Vietnam might be.

F. Monsieur le Prime Minister, the International Control Commission [composed of Indian, Polish, and Canadian members] has recently accused the North Vietnamese Republic of aiding and abetting the South Vietnamese rebellion. What do you think of that accusation?

P [deprecating gesture]. We understand, Monsieur le Professeur, under which outside pressures the [Indian and Canadian] members of the ICC labor. After all, India does depend for development upon large-scale American aid.

F. But would it not at least be conceivable that some of the almost 100,000 South Vietnamese who went north [of the 17th parallel] in 1954 and whose relatives are now fighting against South Vietnamese forces, would attempt to slip across your border back into South Vietnam in order to help their relatives—even without the permission of the North Vietnamese Government? Wouldn't that be at least conceivable?

P. Monsieur, in our country one does not cross borders without permission.

F. Would not a spreading of the guerrilla war entail a real risk of American reaction against North Vietnamese territory? You have been to North Korea last year, Monsieur le Prime Minister; you saw what American bombers can do.

P [very seriously]. We fully realize that the American imperialists wish to provoke a situation in the course of which they could use the heroic struggle of the South Vietnamese people as a pretext for the destruction of our economic and cultural achievements.

We shall offer them no pretext which could give rise to an American military intervention against North Vietnam.

[Ho Chi Minh suddenly enters, unannounced. Mao Tse-tung suit in suntan cotton. Spry and tanned looking, springy step, arms swinging, firm handshake.]

F. I thought you were in Moscow on vacation.

H. You see, people say a lot of things that aren't true. [Looks at my jacket, tape recorder, book, next to me on sofa.] My, you have got a lot of things with you.

F. I am sorry, Monsieur le Président [Push things together. Ho sits down next to me, humorous gleam on face, slaps me on thigh.]

H. So, you are the young man who is so much interested in all the small details about my life. [In my book "Le Viet-Minh" and the forthcoming "Two Viet-Nams," I have attempted to include as complete a biographical sketch of Ho Chi Minh as possible. During my stay in Hanoi, I also interviewed many of Ho's old friends on Ho's life, and he apparently had been informed of this.]

F. Monsieur le Président, you are after all a public figure, and it certainly would not be a violation of a military secret to know whether you had a family, or were in Russia at a given date.

H. Ah, but you know, I'm an old man, a very old man [he's 73]. An old man likes to have a little air of mystery about himself. I like to hold on to my little mysteries. I'm sure you will understand that.

F. But——

H. Wait until I'm dead. [In spite of this, I received just before I left Hanoi a letter containing six manuscript pages of details about Ho's life, filling in most of the gaps—no doubt on his own orders.]

P. Monsieur Fall brought you a book on the Indochina war which contains a drawing of you by his wife.

H [With an old man's impatience]. Where? Where? Let me see it. Providing she's got my goatee right. Providing the goatee looks all right. [Unwraps and looks.] Mmm—yes, that is very good. That looks very much like me. [Looks around, grabs a small flower bouquet from the table, hands it to me.] Tell her for me that the drawing is very good and give her the bouquet and kiss her on both cheeks for me.

P. Monsieur Fall is interested in the present situation in South Vietnam.

F. Yes, Monsieur le Président, how do you evaluate the situation in South Vietnam?

H. Monsieur Ngo Dinh Diem is in a very, very difficult position right now and it is not likely to improve in the future. He has no popular support.

F. But would you negotiate with South Vietnam?

P. The situation is not yet ripe for a real negotiation. They [South Vietnamese] don't really want to negotiate.

H. That is absolutely true. They are showing no intention to negotiate.

F. But are you not afraid that the situation might degenerate into a protracted war?

H [Earnestly, turning full face.] Monsieur le Professeur, you have studied us for 10 years, you have written about the Indochina war. It took us 8 years of bitter fighting to defeat you French in Indochina. Now the Diem regime is well armed and helped by many Americans. The Americans are stronger than the French. It might perhaps take 10 years, but our heroic compatriots in the south will defeat them in the end. We shall marshal world public opinion about this unjust war against the South Vietnamese people.

P. Yes, the heroic South Vietnamese people will have to continue the struggle by its own means but we watch its efforts with the greatest sympathy.

H. I think the Americans greatly underestimate the determination of the Viet namese people. The Vietnamese people has always shown great determination when it was faced with an invader.

F. But are you still willing to come to a negotiated settlement if the occasion presented itself?

H. Yes, but only with people who are willing to sit down with us at one and the same table and "talk." [French word: "causer" which means: "negotiate in good faith."]

F. You mean you would negotiate with any South Vietnamese Government?

H. Yes, with any.

F. But what kind of relations would you envisage?

H. Of whatever type they [South Vietnamese] wish. After all, the East and West Germans have flourishing trade relations in spite of the Berlin Wall, haven't they? [After some further amenities, Ho leaves.]

F. Monsieur le Prime Minister, what do you think of Mr. Ngo Dinh Diem's personal position as of right now?

P. It is quite difficult. He is unpopular, and the more unpopular he is, the more American aid he will need to remain in power. And the more American aid he gets, the more as an American puppet he'll look and the less likely is he to regain popularity.

F. That sounds pretty much like a vicious circle, doesn't it?

P [humorous gleam]. No, Monsieur le Professeur. It is a descending spiral.

F. But you must understand, Monsieur le Prime Minister, that South Vietnam is in a different situation than the non-Communist parts of Germany and Korea. In the latter two cases, the non-Communist part is by far the more populated, whereas in the case of Vietnam, the non-Communist part has 13.8 million people against your 17 million. You can clearly see that they have good reasons to fear North Vietnam which also has the larger army, and one with a fearsome reputation, as we French well know.

P. Certainly, we realize that we are in the stronger position. Thus, we are also willing to give all the guarantees necessary for the South to be able to come out fairly [pour que le Sud trouve son compte] in such a negotiation.

You will recall President Ho's declaration with regard to maintaining the South's separate government and economic system. The Fatherland Front embodies those points in its program, and the South Vietnamese Liberation Front likewise.

We do not envisage an immediate reunification and are willing to accept the verdict of the South Vietnamese people with regard to the institutions and policies of its part of the country.

F. What, then, would be the minimal conditions under which the Democratic Republic of Vietnam [North Vietnam] would accept a settlement of the conflict which at present exists in South Vietnam?

P [makes a statement as below].

F. Would you object to my making a tape recording of that answer? It is a reply that I would like to have verbatim, if possible.

P [thinks it over, makes notes, agrees].

P. This is a very timely question: The DRVN [North Vietnam] government has made sufficiently explicit declarations on the subject [but] let me underline what follows: The underlying origin and immediate cause of the extremely dangerous situation in the South of our country is the armed intervention of the USA and the fascist dictatorship of Monsieur Ngo Dinh Diem, the creation and instrument of that [American] intervention.

It is obvious, then, that in order to normalize the situation in our whole country, those factors of dissension must disappear. We support with determination the patriotic struggle of our Southern compatriots and the objectives of their struggle—I mean, the program of the Southern Liberation Front.

We are certain that the massive help of all classes of South [Vietnam's] society and the active support of the peoples of the world, shall determine the happy outcome of the situation full of dangers which exist in the South of our country.

The people of Vietnam and the DRVN government remain faithful to the Geneva accords [of July 1954] which establish our basic national rights. We shall continue to cooperate with the International Control Commission on the basis of those accords, and hope that this cooperation shall be fruitful—providing that all members of the Commission respect the accords.

F. Thank you, Monsieur le Prime Minister, for that statement.

P. I would like to say something about a remark you made in your book on our Republic about our alleged "isolationism" from neutral and pro-Western countries, and from international organizations. No, no and no, we are not isolationists. On the contrary, we seek "open windows" towards any country or organization that will deal with us on a matter-of-fact basis. We are willing to trade with them and make purchases from them.

F. What would be the position of the foreign community in South Vietnam, if the war worsens? There are still 15,000 French citizens living there.

P. As you know, the Southern Liberation Front has repeatedly shown that it does not wish to hurt the legitimate interests of the Europeans who live in South Vietnam. We make a distinction between France's position and that of American imperialists.

F. What is the attitude of the DRVN towards Laos and Cambodia?

P. We shall respect the Laos accords [this was stated briefly after the signature of the 1962 Geneva accords on Laos. It has become obvious since then that North Vietnamese troops still operate in Laos to some extent, or travel through South Vietnam], and shall at all costs maintain good relations with Cambodia.

EXHIBIT 6

[From the Reporter, Oct. 24, 1963]

WHAT DE GAULLE ACTUALLY SAID ABOUT VIETNAM

(Bernard Fall)

President de Gaulle is used to being misunderstood by those to whom he directs his more Delphic remarks, and he is particularly used to being misunderstood by Washington. Indeed, there are times when one almost suspects he likes being misunderstood by Washington. The evidence is increasing that this is more or less what happened in the wake of De Gaulle's recent affirmation of France's abiding interest in the ultimate independence—"independence vis-a-vis the outside," as he put it—of all of Vietnam, North and South. These remarks prompted considerable wringing of hands in Washington (even though Walter Lippmann thought that De Gaulle was right if he meant what Lippmann thought he meant), and many seemed to feel that his remarks were meant as merely a nettlesome intrusion into U.S. policy in Southeast Asia. As usual, almost everybody was wrong.

The original version of the statement in question was drawn up in August, just after the Buddhist riots had begun in Hué and Saigon and while the French Foreign Ministry was working with a skeleton vacation-time staff. At De Gaulle's request, the Ministry of Foreign Affairs had drawn up a short note on the subject of Vietnam. Most Foreign-Ministry aids seemed to feel that what was going on in Vietnam was far, far, away, and that anyway for once it was something happening not to the French but to somebody else. Thus the original note hardly went beyond voicing pious hopes about religious tolerance, phrased in terms that were considerably weaker than the Pope's statement on the same subject.

At the Elysée, one of De Gaulle's civilian aids redrafted the note for his chief, but still without going much beyond the Quai d'Orsay draft. The new version was submitted to De Gaulle after his return from his mid-August vacation and disappeared from view until the President himself brought it up at the council of ministers on August 29, after Foreign Minister Maurice Couve de Murville had made his oral report on recent developments in Vietnam. The text which De Gaulle then read was a radical departure from the Quai d'Orsay draft, with perhaps the sole exception of its initial phrases referring to the "attention and emotion" with which "Paris views the grave events in Vietnam."

The operative paragraphs, which President Kennedy considered sufficiently disturbing to repeat 4 weeks later on the occasion of the departure of Gen. Maxwell D. Taylor and Secretary of Defense Robert S. McNamara for Vietnam, were entirely in De Gaulle's own hand:

"France's knowledge of the valor of the (Vietnamese) people permits her to discern the role they could play in Asia's present situation, for their own progress and to the benefit of international understanding; as soon as they could deploy their activity in independence vis-a-vis the outside, in peace and unity at home, and in concord with their neighbors.

"That is what France wishes, more than ever today, to all of Vietnam. It naturally is up to the (Vietnamese) people themselves, and to themselves alone, to choose the means of arriving (at that result) but any national effort undertaken by Vietnam with that aim will find France ready, within the means at its disposal, to enter into cordial cooperation with that country."

The statement, read to the assembled journalists at the end of the council meeting by Information Minister Alain Peyrefitte, had the effect of a brick in a birdbath. Yet it needs to be examined coolly to understand De Gaulle's meaning.

He wants Vietnam to be reunified in independence. That is a wish that every Western statesman trots out whenever he visits a divided country like Germany, Korea, and Vietnam, or a city like Berlin. It is, in fact, an explicit long-range aim of Western policy, and the price of reunification will in all likelihood be non-adherence to any bloc, as in Austria, for example, or nominally in Laos. In the case of Vietnam (as well as of Germany) such reunification would actually be dangerous to world peace if the reunified country, far stronger regionally than its neighbors, were to embark upon a policy of nationalistic revanchism. For Vietnam, that would mean starting where it left off when the French arrived in 1858: gobbling up and destroying Cambodia and Laos, presumably in collusion with Thailand.

According to De Gaulle's statement, Vietnamese independence should be arrived at by means chosen by the Vietnamese people themselves, and by "themselves alone." Any "national" effort, i.e., by the Vietnamese nation as a whole, would find France willing to give such support as it can afford. This kind of vague promise is hardly designed to commit France to immediate action in the Far East. It simply says that if by some unspecified miracle the Vietnamese arrive at reunification—a reunification in which both America and the Sino-Soviets would lose their most obvious reasons for continuing to pay the lavish bills of their respective Vietnamese client governments—France would be willing to take up, as far as possible, the slack of the transitional crisis. In quite a few cases where Russia or the United States or France, for one reason or another, cut a particular country off its payroll, another country (or the United Nations) paid the most urgent bills until an equilibrium of sorts was established. That was about all there was to the De Gaulle statement.

POOR HOMEWORK

It was downright amusing to see the bewilderment on the faces of French officialdom in Paris as the storm broke. Washington went into a flap and spoke unofficially but loudly of yet another "De Gaulle betrayal" of the West in general and the United States in particular. French Ambassador Hervé Alphand was hastily summoned to the State Department and met with Secretary Rusk for more than an hour. His subsequent statement, which stuck pretty closely to the text (always a sound policy when one tries to interpret Gaullist prose), obviously convinced no one, least of all the White House, which seems to have written off De Gaulle as Public Enemy No. 1. The American press, on cue, took up the cudgels to transform that two-hundred-word statement into an explicit bid for a French takeover in Indo-China, preferably in collusion with Hanoi, to make the treachery even blacker.

Interviewed by Walter Cronkite on a CBS television program on Labor Day, President Kennedy voiced this reaction to the De Gaulle statement on Vietnam: "It was an impression of his general view, but he doesn't have any forces there or any program of economic assistance, so while these expressions are welcome, the burden is carried, as it usually is by the United States and the people there. * * * What, of course, makes Americans somewhat impatient is that after carrying this load for 18 years, we are glad to get counsel, but we would like a little more assistance, real assistance."

The words clearly showed how poorly the President's entourage had done his homework for him. The flat assertion that the French do not have any program of economic assistance in Vietnam is simply incorrect. Furthermore, it clearly shows that, on a public level at least, the White House still does not know who exactly has a stake in Vietnam, and for what reason.

In Paris, Mr. Kennedy's statement was received with a shrug. "Obviously, the Americans haven't understood, or they don't choose to understand," was the reaction of a seasoned newspaperman from Le Monde. That paper and Agence France Presse had spelled out the French stake in South Vietnam: about 17,500 French citizens still live there, 60,000 of whom are French-born, the

others being of Asian, Eurasian, Indian, or African origin; French investments in the country, including important rubber plantations, total close to $500 million; and there is a fairly sizable French economic and cultural-aid program.

In terms of actual dollar expenditures, French aid is not large, but it affects some politically important sectors. There are more than 340 French teachers in Vietnam. They are to be found from grade school to the university level, but are concentrated above all in the lycées, where tomorrow's elite is being trained. Close to 30,000 Vietnamese children go to schools staffed and paid for by the French cultural mission, and more Vietnamese are now passing the difficult French baccalaureate examinations than at any time during the colonial period. But French economic aid is also felt in another key sector: agrarian reform. By a convention signed on September 10, 1958, France agreed to advance funds to Vietnam for the repurchase of more than half a million acres of French-owned rice land. This permitted the Diem regime to redistribute land free to the farmers without having to resort to the expropriation of land belonging to the Vietnamese landlords, many of whom were high officials in the regime. The French also financed the only working coal mine in South Vietnam, the only indigenous source of fuel; and they donated diesel locomotives for Vietnam's battered railroads.

But there is an even more important field in which France plays a key role, and that is Vietnam's trade. It is perhaps one of the unique tragedies of that poor country that it is more dependent now on France's taking its export products than at any time during the colonial era. The following table shows the whole grim problem at a glance:

	Percent of total		
	1939	1956	1962
Exports to—			
France	32.2	67.5	42.0
United States	12.0	18.1	4.3
Imports from—			
France	55.7	24.5	11.8
United States	4.2	28.0	37.0

France has been displaced in the import field, since imports now are financed by American aid; but in the export field few others but the French, who are used to them, seem to be willing to take Vietnamese goods. This French magnanimity is easily explained: Rubber, which in 1939 represented a healthy 21.4 percent of all Vietnamese exports, now represents an unhealthy one-crop 89.6 percent—and the rubber is produced largely by the huge French plantations. Like their counterparts in Malaya in the 1950's, French rubber planters are paying a heavy toll in lives and treasure to the insurgents. There is not one plantation that has not been attacked or partly pillaged several times by the Vietcong during the past 5 years, and which has not seen several of its French personnel kidnapped and held for ransom or killed. During the Indo-China War, the plantations had been allowed to arm themselves and maintained militia forces at their own expense. When Ngo Dinh Diem came to power he ordered all plantations disarmed and they thus became military liabilities.

The plantation managers now keep in business by closing their eyes to the Vietcong emissaries who come to the workers' villages and exact tribute; they silently pay millions of piastres of ransom to the Vietcong—and as much again to bribe South Vietnamese authorities to allow them to operate. Here and there, the Saigon-controlled press announces that a French plantation was fined tens of millions of piastres (a million dollars or more) for "economic violations." Everybody knows what that means, and business goes on as usual.

Those Frenchmen and their property are hostages to both sides in South Vietnam's messy war. A brief visit to the Syndicat des Planteurs de Caoutchouc in Paris gives an eloquent picture of what this means: "It means," says one of the officials, "that we are being told by the Vietcong that if we don't cooperate, our trees will be slashed and personnel killed. And when we do pay our 'blood money,' the Government's district chief comes and fines us exactly the same amount. There will come the day when the whole damned thing simply becomes too expensive to carry on, and we'll all go home, and Vietnam's last economic mainstay will collapse. After all, should the Americans pull out tomorrow, they'll simply create a beachhead around Saigon and fly out their military personnel and few local residents. But our 17,000 Frenchmen are spread out all over the country and there'll be a blood bath like back in 1945 when the Vietminh took over, or in 1960 in the Congo."

It is obvious, then, that renewed French preoccupations with Vietnam stem from reasons that are more realistic than the desire to nettle the young men in Washington while their policies are in disarray.

BY NHU OUT OF ALSOP

But that first row had barely simmered down when its second round broke out from a not entirely unexpected quarter. Joseph Alsop, who for the past 5 years has been a self-appointed spokesman for the Ngo Dinh Diem view of the outside world, arrived in time in Saigon to discover evidence of ugly stuff, to which he gave maximum play in his syndicated column of September 18. Further embroidering on the theme of De Gaulle's alleged desire to inherit the Vietnamese mess, Alsop interviewed Ngo Dinh Nhu and came away with the following intelligence, all directly gathered from the lips of Diem's official political adviser, head of the secret police, and chief anti-American:

The French representative in North Vietnam, Jacques de Buzon, had seen Nhu together with French Ambassador Lalouette and had brought him an offer from Ho Chi Minh to negotiate—presumably via the French and behind the back of the United States.

The Polish member of the Indian-Canadian-Polish International Control Commission (ICC) in Vietnam had come to see Nhu at Lalouette's behest with a message from North Vietnamese Premier Pham Van Dong.

Nhu had not even told his brother Diem of all this for fear of causing a stir.

The reaction in France was immediate. To the French, who know of Alsop's close relations with President Diem, this seemed one more deliberate attempt to blame the French colonialists for everything that was going wrong in Vietnam. Officially, the Quai d'Orsay simply said the article "does not even merit a denial." Unofficially, however, the following facts soon came to light:

De Buzon, who had taken over his job in Hanoi only very recently, had never been to Saigon at all, as the flight records of the ICC aircraft testify, and there is no other way of getting from Hanoi to Saigon except by rowboat across the 17th parallel along the coast of the South China Sea.

The Polish "ICC" member, after years of being snubbed, had suddenly been invited to Diem's receptions—a fact which American newsmen had reported. Lalouette had never presented the Pole to Nhu.

As noted in the semi-official La Nation, the newspaper of De Gaulle's "UNR" party, if Nhu wanted to keep the whole thing a secret from his brother, why did he give the story to Alsop to plaster all over the world?

What had happened is that Nhu cleverly used Alsop to strengthen his own bargaining position in his life-and-death struggle with the United States. This was obvious from August 31, when Saigon almost immediately hailed the De Gaulle statement as "not being critical of our position" and chose to interpret Diem's resistance to American demands for reform as an aspect of its own policy of struggle for "external independence." Nhu sought (and still seeks) to bolster the myth that he has two fallback positions: if the Americans let him down, he can always turn to the French; and if they let him down, he can always make a deal with Hanoi where, he says, he and his brother are greatly admired.

Alsop realized that he was out on a limb; in his next column he backtracked by giving the world a description of the Gia-Long Palace in Saigon (where the Ngo Dinhs hide from their people) which resembled H. R. Tervor-Roper's description of Hitler's bunker in its last days, and which makes both Diem and Nhu look like paranoiacs. But having said that Nhu's egotism goes "beyond normal vanity" and that Diem has "lost his ability to see events or problems in their true proportions," Alsop nevertheless returns to his idee fixe that Paris has nothing else in mind or in store for Saigon but a "Communist takeover * * * by courtesy of the French."

It is certain that De Gaulle, and for that matter any Frenchman seriously concerned with southeast Asia, is less than happy with the way things have been going in South Vietnam of late—but this is a view that many Americans share with them, including some leading personages in Washington. The real problem (beyond the extremely serious one of emotional overreaction in Washington whenever the name "De Gaulle" comes up) is that nothing better than "swimming with Diem"—and Nhu, of course—has been proposed anywhere. As a consequence, French Ambassador Lalouette was placed in the strange position of apparently lecturing newly arrived U.S. Ambassador Henry Cabot Lodge on the merits of the present Saigon rulers. In 1955, the French tried to get rid of Diem; they got thrown out of Vietnam for their pains and have not forgotten the lesson.

Alsop's suggestion of French negotiations on behalf of Hanoi might be an interesting, even a clever idea. But, as I was able to judge there for myself, De Buzon's predecessors in Hanoi were, in the words of Georges Chaffard in Le Monde of September 3, "filled with a visceral hatred of all that was Communist." They were not even received by Hanoi's top leaders, let alone used as messengers for negotiations. The French have no illusions about what their role would be in a reunified Vietnam dominated by Hanoi: Almost all their properties in North Vietnam, worth close to $1 billion, have been confiscated, all their missionaries were expelled, and for the privilege of being able to maintain two teachers of French and one school administrator at one lycee, they must pay for the upkeep of the whole establishment. French trade with North Vietnam is $2 million a year; with South Vietnam it is far greater.

On the whole, it seems difficult thus far to ascribe much more to De Gaulle's statement than an understandable desire to be heard on an issue in which the French feel, rightly or wrongly, that they may once more become the scapegoats; or worse, the victims.

EXHIBIT 7

[From the Washington Daily News, Mar. 6, 1964]

MACV, MACT, MAAG: PAPERWORK IS A TIGER TO UNITED STATES

(By Jim Lucas)

CAN THO, SOUTH VIETNAM, March 6.—To understand anything at all about this strange little war, it helps to examine some of the organization problems.

For one thing, the command structure—ours and the Vietnamese—is grotesque. Like Topsy, it just growed.

On our part, we have MACV (Military Assistance Command, Vietnam) headed by Gen. Paul Harkins. General Harkins also is MACT (Military Assistance Command, Thailand).

ADVISORY TEAMS

Then, we have MAAG (Military Advisory Assistance Group) headed by Maj. Gen. Charles Timmes. MAAG has been here since the early 1950's. It controls the advisory teams.

Then there is a support command, headed by Brig. Gen. Joe Stilwell, Jr. It controls the operating troops, such as the helicopter crews. Theoretically, they are here to support the Vietnamese. In practice, they are fighting a war.

On top of all this, we have a "country team" headed by Ambassador Henry Cabot Lodge, who is a major general in the Army Reserve.

HORRENDOUS

Men in the field often work for all three commands. They must submit reports to all three. The paperwork is horrendous.

There are rumors that Lt. Gen. William C. Westmoreland will abolish MACV or MAAG when he succeeds General Harkins. The troops devoutly hope this is true. General Westmoreland is now General Harkins' deputy.

The Vietnamese have four categories of troops in the field, some working for the Ministry of Defense, others for the Ministry of Interior.

At the lowest level, there is the hamlet militia. They work in squads. They have, at most, one automatic weapon. If they are paid at all, it is by the people they protect. Usually it is in rice.

Next, there is the Self-Defense Corps. It is organized in platoons, and slightly better armed. Its men are paid $9 a month.

THIRD ECHELON

Third echelon is the civil guard. Roughly, it compares with our National Guard. It is organized into companies. Its men draw $12 a month.

Finally, there is the ARVIN (Army of the Republic of Vietnam). It is organized into regiments, divisions and corps. Its men are much better paid. They have fairly modern weapons.

On top of this, there is the Vietnamese JGS (Joint General Staff), comparable to our Joint Chiefs of Staff. And to add to the confusion, the Province Chiefs (Governors) are majors, and the district chiefs under them captains and first lieutenants. Each has his own troops. Each Province Chief has a U.S. Army major as his adviser.

BETTER PAID

Though the ARVIN is better paid and better armed, it is the civil guard that bears the brunt of the war. The average ARVIN battalion goes 2 weeks without making contact with the Vietcong. An average civil guard company is fighting 2 days out of 3.

There are reasons for this contrast. The civil guard is smaller (company-size units). It has less fire power; no artillery. Its men are sketchily trained. It does not have enough good officers, consequently it is not so well led.

But the big reason the guard sees more action is psychological, and the Vietcong are canny enough to exploit that. A civil guard company is a local unit. These boys grew up in the province where they're stationed. Everybody knows them.

KILLED

If the Vietcong can chew up a civil guard company, they effectively assert their rule over that area. A man joins the civil guard one week, and they bring his body home the next. That night, the Vietcong slip in and tell his widow, "we killed your man because he opposed us."

Mr. McGOVERN. Mr. President, will the Senator Yield?

Mr. GRUENING. I yield.

Mr. McGOVERN. I regret that I did not hear the entire address by the Senator from Alaska. I do not know whether I am prepared to agree with all the conclusions he has drawn without having had an opportunity to study the text of his proposal. But as one Member of the Senate who is much interested in the security of our country and the peace of the world, I commend the Senator from Alaska for the thoughtful questions that he has raised today.

I wonder if the Senator is aware of the fact that 10 years ago, almost to the day, the then Senator John Kennedy, of Massachusetts, made a similar speech with reference to French involvement in French Indochina. On that day, the Senator from Massachusetts ticked off a list of overly optimistic estimates that had been made by French military leaders about the success of the war in French Indochina, some of those estimates being shared by our own military strategists. Senator Kennedy warned against some of the sterile possibilities that faced the French if they continued what appeared to the Senator from Massachusetts to be a futile effort in Southeast Asia.

It is quite ironical that that speech should have been made in April 1954. Thirty days later, the French cause was abandoned in French Indochina, and for the past decade we have been seeking, with questionable success, to carry on the same policy.

Mr. GRUENING. I thank the Senator from South Dakota for his valuable contribution to the discussion. The fact is that Senator Kennedy as Senator did not make foreign policy. It was made by the Eisenhower administration—by the President and by Secretary of State John Foster Dulles. When John Kennedy became President 6 years later, he inherited the situation and tried for 3 years to do something about it. Considering the experience of failure to rectify what had been done during those 3 years, there has now been a total failure for a whole decade, with a steady loss of American lives.

It is high time to reassess our policy and ascertain why we are in Vietnam, why we should continue to be there, and why we should continue to sacrifice the lives of American boys for people who will not fight for themselves. We should not remain there. We should make the best deal possible before withdrawing, but in any event we should withdraw our men from the fighting front immediately. We should supply the South Vietnamese with all kinds of arms. But this is their war. We should try, by reassessing our policy, to bring an end to the tragedy that has taken place in the last 10 years.

Mr. McGOVERN. I appreciate the point the Senator has made. Speaking for myself, I would view both our involvement in Vietnam and any possible reevaluation of our position there as a bipartisan or nonpartisan matter. I would hope we could take the Vietnamese issue out of partisan politics and consider it from the standpoint of what is best for our country and what will make the most likely contribution to the cause of peace.

I thank the Senator from Alaska for yielding.

Mr. GRUENING. I agree that the policy should be nonpartisan and should remain nonpartisan. This issue is far too serious to be permitted to deteriorate into a matter of partisan politics.

The reason this question is pertinent is that President Johnson, only recently arrived in office, is the heir of all these policies, and now he has an opportunity to reassess them. I believe he should do so.

Mr. McGOVERN. I think the Senator from Alaska will agree that it is important to determine the best course for us to follow now, rather than to attempt to assess the blame for what has happened.

Mr. GRUENING. I agree that we should not assess the blame. But we should learn from experience.

Mr. McGOVERN. Mr. President, I thank the Senator from Alaska for yielding to me.

Mr. GRUENING. I thank the Senator from South Dakota.

Mr. SALTONSTALL. Mr. President, will the Senator from Alaska yield briefly to me?

Mr. GRUENING. I yield.

Mr. SALTONSTALL. The Senator from Alaska has made a very thoughtful speech, although I would not agree with some of the conclusions he has reached.

I certainly feel, as does the Senator from South Dakota, that this is not a partisan matter in any way, and that what President Eisenhower and Secretary Dulles did 10 and 12 years ago was done under different conditions in the Far East and also under different world conditions. How well that policy finally works out, we cannot say at the moment.

But I wish to point out that the present administration has sent one of its leading and most responsible officials to Vietnam, to determine what we should do now; I refer to Secretary McNamara. In my opinion, our policy in regard to Vietnam also involves our policies in regard to other areas, including Malaysia, New Zealand, Australia, and also our concern in Korea, and even our relationships with the Philippines. All those questions and others are involved, as I see the matter, in our policy in regard to South Vietnam at the moment. Also involved is our prestige in Panama, in Cuba, and in the countries of South America, if we quit South Vietnam.

So, as the Senator from Alaska has said, the President has a very difficult decision to make; and certainly it cannot be made very quickly or with relation to only one situation.

All of us very much deplore the loss of the lives of Americans in South Vietnam, and we hope no more Americans will lose their lives there. However, I believe we must give the present administration an opportunity to view this matter—particularly after sending the Secretary of Defense there—in light of all the conditions in the areas I have

named, as well as those existing in South Vietnam alone.

I agree with the Senator from Alaska that the people of South Vietnam must fight for themselves; if they do not, we cannot fight for them.

Mr. GRUENING. I confess that I was shocked to read in the newspapers of the extravagant promises which Secretary McNamara has been making—promises of all-out U.S. aid. In my judgment, he has no business to make such commitments. He went there at the direction of the President to study and report to the President, and what authority he has to make such promises, I do not know.

If we are to have an all-out war there, it is for Congress to declare such a war. So I believe it unfortunate that Secretary McNamara has spoken so freely. I believe it would have been much better if he had kept quiet, returned to this country and had reported to his chief and let him make the commitments.

I address this question to all Senators—not on a personal basis, because the question is already answered insofar as I am concerned: If a Senator's son were to be drafted in the current draft, under the conscription act, and were sent to Vietnam, and were killed there, would that Senator feel that his son had died in the defense of our country? Personally, I would not.

In South Vietnam we have been supporting corrupt and evil regimes and we have done it all alone. We are losing men there every day; while the South Vietnamese people will not fight for themselves.

Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the motion of Mr. MANSFIELD to proceed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

SPARKMAN DEBATES PROCEDURE ON H.R. 7152

Mr. SPARKMAN. Mr. President, we now have before us a motion to proceed with the consideration of H.R. 7152, the so-called civil rights bill. As the distinguished senior Senator from Georgia pointed out yesterday afternoon, in the normal course of events in the Senate, a motion to proceed to the consideration of any specific bill on the calendar is usually decided without debate. However, I could not agree more with the same distinguished Senator's further remarks to the effect that there has been nothing normal, usual, or ordinary about the processes which have brought H.R. 7152 to the calendar of the Senate.

Rather, the contortions involved in the parliamentary travels of this bill have been as extraordinary as any that I have witnessed since I first came to serve in this august body.

Let us now consider briefly the strange machinations which have brought this bill to its present place on the calendar of the Senate.

The first comprehensive hearings of this proposed legislation were held by a subcommittee of the House Judiciary Committee. The members of this subcommittee were specially selected proponents of this type of legislation, seemingly chosen for their great support of this cause. Then, in executive session, that subcommittee wrote a bill which has been discussed in some detail by the full committee.

However, the proponents of the bill had some controversy among themselves as to where credit for the bill should go. The essence of the matter was that, overnight, the bill which the subcommittee had considered for 6 months was dropped like a hot potato. With no debate, no careful examination, a new bill was rammed through the committee. With reference to this new bill, six members of the House Judiciary Committee stated:

> This legislation is being reported to the House without the benefit of any consideration, debate, or study of the bill by any subcommittee or committee of the House and without any member of any committee or subcommittee being granted an opportunity to offer amendments to the bill. This legislation is the most radical proposal in the field of civil rights ever recommended by any committee of the House or Senate. It was drawn in secret meetings held between certain members of this committee, the Attorney General and members of his staff and certain select persons, to the exclusion of other committee members.

Thus were the rights of the minority trampled ruthlessly under foot.

I wish to make clear that that is not a charge which I am making; I am merely quoting from the minority views of the members of the House Judiciary Committee.

It was just as bad on the floor of the other body. The combined leadership of the House supported the bill, despite its unusual birth. Under this prod, along with what has been described as the most intensive and extensive lobbying seen in Washington in many years, the House passed the bill.

We all know that the bill went on the calendar of the Senate by a procedure which many of us felt to be in violation of the rules of the Senate, and certainly in disregard of the rules of the Senate. However, the proponents of this legislation defeated us by sheer numbers.

Legislation similar to certain portions of House bill 7152 has been given consideration by committees of the Senate. However, there has been no committee consideration of most of this bill, which is 55 pages long and has 11 titles.

Therefore, it is essential that the numerous aspects of this proposed legislation be given more careful consideration. If this consideration is not going to be given in committee, I propose, along with my teammates, to give it a thorough airing on the Senate floor.

My concern over following proper Senate procedures is especially magnified in view of the seriousness of the measure in question.

Mr. President, I digress to say that while over the next several weeks of debate on the long, intricate so-called civil rights bill, involving many legal and constitutional questions—questions that have not had a thorough going-over by committees, as is designed in our legislative setup, while we must of necessity spend considerable time on the floor of the Senate trying to find out what the bill proposes and what the constitutional questions involved are, there will be piling up a logjam of badly needed proposed legislation.

Today the Committee on Banking and Currency met. Three or four or five bills are ready for consideration. There is considerable interest in having some of them passed. We decided that there was no need to hold an executive session of the committee to consider the bills, because we knew they would be held up during the entire time occupied by the present debate.

There is a very important housing bill upon which hearings have been completed by the Subcommittee on Housing of the Committee on Banking and Currency. What is the need to hold an executive meeting to consider proposed legislation and write up a bill which we would recommend to the full committee? Some of the provisions involved are coming near to the expiration date.

Some programs are running low on funds. Some new programs proposed by the administration are very much desired by the administration.

The President has made strong recommendations for the enactment of new housing legislation. We are completely stymied, and we shall be stymied as long as the so-called civil rights bill is before the Senate, either in the form of a motion to consider or after that action is concluded, assuming that it is, during the discussion of the bill, in which there are 11 different titles, each one virtually a bill within itself. That is a subject that cannot be dismissed easily or quietly. I do not believe that any Senator would urge us to dismiss it easily or let it go by without the discussion that it would have had in a committee meeting had it been referred to a committee.

A TITLE-BY-TITLE ATTACK UPON THE CIVIL RIGHTS BILL AS SENT OVER TO THE SENATE BY THE HOUSE

H.R. 7152

Mr. President, never in my long history of opposition to so-called civil rights legislation have I risen to attack so formidable an array of legislation that is probably well-intended but which could do so much to take away many of the liberties and rights for which we have fought throughout the history of this Nation.

President Woodrow Wilson warned us against the very thing the civil rights bill seeks to do. President Wilson said:

> The history of liberty is a history of limitations of governmental power, not the increase of it. When we resist therefore, the concentration of power, we are resisting the processes of death, because a concentration of power is what always precedes the destruction of human liberties.

The awesomeness of the power proposed in H.R. 7152 gives me a certain confidence in opposing this legislation. This confidence stems from the fact it is not just the southern Senators who stand aghast at this bill, it is the whole country. For months I have been receiving literally thousands of letters from all over the Nation supporting my stand against this bill. So I rise not just with a mandate from the people of Alabama or the South. My mandate comes from the four corners of the country. For every one letter I receive, I am confident there are hundreds of people who feel the same way but just do not write. I know that my colleagues from other parts of the Nation are feeling this pressure, this grassroots groundswell of opinion against a vast attempt to curtail the liberty of the individual.

I feel confident that my colleagues of the Senate will breathe sighs of relief when certain parts of this bill are dumped on the legislative ash heap where all of the parts belong.

At the very outset of my talk, I want to make it clear that I do not rise to try to keep anyone from getting or keeping any rights due to him under the Constitution. Actually, I stand here in support of the Constitution.

One of the great regrets of my lifetime is the fact that the question of so-called civil rights has been launched into the mainstream of American politics. I do not consider it a proper area for use as a political football. However, there are many who have latched onto it as a political weapon. There are many who attempt to exploit it to the fullest. While this is regrettable, it is nevertheless a fact of political life in this country.

I am deeply grieved that there are those who, in search of some imagined "rights," would cause to fall by the wayside other rights which are clearly designated in the Constitution. My purpose today and throughout this debate is to try in the best way that I know how to call attention to those rights which we can lose if this unfortunate collection of sentiment is allowed to be splashed with the tears of its sponsors upon our law books.

Mr. President, at this point, I want to discuss title by title the unfortunate provisions of the bill that is now before us.

I entertain no hope of completing the job of discussing all the titles in this presentation, but I hope, before the debate is concluded, I may have the opportunity of completing the discussion title by title and, furthermore, of dealing with them in greater detail.

Title I is concerned with so-called voting rights. Title I seeks: first, to eliminate discrimination in the application of literacy tests; and second, to speed up the processing of voting suits through the Federal courts.

I simply cannot understand why this title is even in the bill. Most of us will recall that in 1957 and in 1960 Congress passed laws dealing with voting rights. I seriously doubt whether we have had enough time to act with informed judgment as to the adequacy or inadequacy of existing statutes.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield for a question.

Mr. LONG of Louisiana. Is the Senator aware of the fact that not until this year was the poll tax repealed by means of a constitutional amendment?

Mr. SPARKMAN. That is correct.

Mr. LONG of Louisiana. Is the Senator aware of any major election that has taken place to give us even some indication of the impact of the repeal of the poll tax on our electoral processes?

Mr. SPARKMAN. No; no election has been held. Elections will be held this year. I suppose we shall be able to get some idea. Even in that case, however, various States have different election laws, and it will probably require a couple more elections to realize the real impact of the repeal.

Mr. LONG of Louisiana. Would it not be correct to say that there has not been a single Federal election held in a single one of the States that has been affected by the poll tax repeal?

Mr. SPARKMAN. That is correct.

Mr. LONG of Louisiana. Would it not be correct to say that we have not even had an opportunity to find out what the impact of the poll tax repeal will be? A constitutional amendment which presumably could have a very heavy and substantial bearing upon our Government has not even been put into operation yet; and still certain persons want to make more changes in voting rights.

Mr. SPARKMAN. The Senator is correct.

Mr. LONG of Louisiana. Have we really had an opportunity to see what would be the effect of the last change made in voting rights?

Mr. SPARKMAN. No. I just said that I doubt whether we have had time to act with informed judgment as to the adequacy or inadequacy of those statutes. What the Senator has said is correct.

Unfortunately, the provisions of some of those statutes have never been put into operation. Why, I ask my colleagues, why do we need more voting laws when we already have more than we have even put into operation?

I am afraid that the answer lies in the cold political fact that there is more publicity to be gained from trying to enact new legislation than trying to carry out that which is already on the books.

But aside from the politics involved, there is the question of constitutionality. At a later date I expect to discuss title I in great detail. I am hopeful that my colleagues will lend an attentive ear and will join with me in an effort to preserve constitutional government.

Title I would authorize the Attorney General to request a three-judge district court to hear voting cases. No one doubts that Congress, if it so desires, can expand the jurisdiction of three-judge district courts. My colleagues should note, however, that presently three-judge district courts convene only to try cases presenting serious constitutional questions. The reasons for this limited jurisdiction are predicated upon necessity and commonsense practicality. A three-judge district court requires the services of a circuit judge and two district judges. In actual practice, these men are pulled away from their normal duties in the event of an exceptional case. Under H.R. 7152, however, the Attorney General would be authorized to make the exception the rule in voting cases.

The existence of a tremendous backlog in the Federal courts, a backlog which imposes a 2- to 4-year delay before a litigant may have his claim adjudicated, is a matter of common knowledge. By pulling three judges from their normal duties, this bill would accelerate the processing of voting suits at the expense of the remainder of the docket. If enacted, title I would inevitably undo recent efforts by the Congress to get rid of the existing backlog by enlarging the Federal judiciary (75 Stat. 80).

Title I also provides that in determining voting qualifications, no standard shall be applied which differs from that applied to any other individual. This provision is premised upon the belief that the standard of literacy applied currently differs with respect to whites and Negroes and that the standard as applied to white persons is in derogation of State law. Assuming the truth of this premise, it means that this provision of the bill would direct the universal application of an unlawful standard. In short, title I directs the commission of countless illegal acts. Further elaboration of this point is unnecessary since either first, the premise is incorrect, in which case legislation is unnecessary; or, second, assuming the verity of the premise, the proposal is bad law by reason that it would compound illegality. We cannot have it both ways.

Although many changes have taken place since adoption of the Constitution, one fact remains essentially unchanged. Regardless of the ebb and flow in constitutional politics, it is clear that Congress is a body possessing only limited powers. Any legislation which it enacts must be traceable to a grant of constitutional power. Absent such grant, legislation, no matter how desirable, is null and void on its face.

In this light, we should ask ourselves from what source can Congress draw power to impose a Federal standard of literacy, however narrowly confined in its application. If that power does exist, it must be found in either the 14th or 15th amendments, or in article I, section 4, clause 1 of the original Constitution. As we shall see, when I discuss this topic more fully at a later date, Congress does not have the power to prohibit any reasonable voting qualification so long as it applies equally to all citizens. Congress is not authorized to prohibit literacy or other tests which apply to all voters. This is the right of the States and not the Congress.

So much for title I at this time.

I move now to a brief discussion of title II.

Mr. TALMADGE. Mr. President, will the Senator from Alabama yield for a question, before he gets to title II?

Mr. SPARKMAN. I am happy to yield.

Mr. TALMADGE. Is it not a fact that there is no civil right so fully protected as the right to vote?

Mr. SPARKMAN. The Senator is correct.

Mr. TALMADGE. Is it not true that Congress strengthened that right in 1957 and again in 1960?

Mr. SPARKMAN. The Senator is correct. I brought that point out a little earlier in my remarks; furthermore as the Senator from Louisiana [Mr. LONG] reminded me, only this year the States completed adoption of the amendment abolishing the poll tax which is a further extension of what might be included within the term "voting rights."

Mr. TALMADGE. Will the Senator from Alabama yield further?

Mr. SPARKMAN. I am happy to yield.

Mr. TALMADGE. Is it not true, also, that in addition to the act of 1957 and the act of 1960, there are at least three other Federal laws on the statute books, both civil and criminal, protecting the right to vote?

Mr. SPARKMAN. The Senator is absolutely correct.

Mr. TALMADGE. I thank the Senator from Alabama for yielding to me.

Mr. SPARKMAN. As the Senator states so well, there is probably no right that is better fortified than the right of a citizen to exercise his franchise.

A few moments ago I made the point that the latest congressional enactments are so recent that we have not yet been able to make a determination as to the adequacy or inadequacy of those laws, and that some of the provisions under those enactments have not yet been put into effect.

As the Senator from Louisiana [Mr. LONG] brought out, so far as the poll tax amendment is concerned, there has not been a Federal election since it became effective; therefore we do not know what its impact will be on Federal elections.

Before I discuss title II—and I plan to discuss it briefly—I shall more or less outline the titles at this time. One of the ablest presentations I have ever heard was made today by the distinguished Senator from Mississippi [Mr. STENNIS]. Everyone knows that the Senator is a fine constitutional lawyer. He made one of the finest presentations on the subject of title II that I have ever heard.

If any Senators failed to hear it, I recommend that they read it in the CONGRESSIONAL RECORD tomorrow morning.

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

Title II, the so-called public accommodations provision of H.R. 7152 is the most sweeping, the most far-reaching attempt to repeal the constitutional concept of individual liberty that has been proposed since the cruel period of Reconstruction.

In those days when the Southland lay prostrate, crushed, harshly ruled by military governors, the Congress, in which the South was misrepresented in many cases by residents of Northern States, rammed through the notorious "Civil Rights Act of 1875." This was one of the infamous "force bills" designed to tear apart the very fabric of southern life.

Fortunately for the Nation, those aggrieved had recourse to the Constitution. Even though amended under questionable circumstances, the Constitution was our salvation because when the Supreme Court put the "Civil Rights Act of 1875" to the ultimate judicial test, it was found wanting.

Section 201 of the H.R. 7152 provides:

All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

Section 1 of the "Civil Rights Act of 1875"—and please note how closely parallel these two sections are—provided:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

A few words have been switched, a few words added, a few deleted, but these provisions are basically the same. It is almost impossible to believe that such a discredited, discarded, unconstitutional proposal has been exhumed from its well-deserved resting place in judicial oblivion. But it has.

Mr. LONG of Louisiana. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. Are we to understand that the section in the Civil Rights Act of 1875, which the Senator is discussing, is almost identical with the provisions of section 201 of the civil rights bill now before the Senate?

Mr. SPARKMAN. The Senator is correct.

Mr. LONG of Louisiana. That section was a part of the old Reconstruction Act which was so despised, hated, and later declared unconstitutional.

Mr. SPARKMAN. It was declared unconstitutional by the Supreme Court in 1883.

Mr. LONG of Louisiana. I thank the Senator.

Mr. SPARKMAN. The Senator is correct.

Mr. LONG of Louisiana. So there is nothing about this issue that America has not had an opportunity to observe before?

Mr. SPARKMAN. The Senator is correct.

Mr. President, I, for one, am going to devote my best efforts to returning this resurrected statute to its grave.

Constitutional objections to this proposal have been expressed on countless occasions and appear to all reasonable men insurmountable. Its introduction now is testimony to the extreme emotionalism engendered by events of recent months. But for this emotionalism, it is difficult to conceive anyone seriously suggesting the existence of congressional power to enact it. If enacted and sustained, it is impossible to conceive any human activity which may not be regimented to Federal authority.

This massive attack on individual freedom has come under the careful scrutiny of the American Bar Association. The preface to an article in the February 1964 American Bar Association Journal states:

While no decent person will defend racial or religious hate, Mr. Cummerford writes, it does not follow that every possible action taken to eliminate them is either good or necessary. Indeed, he argues, the drive to wipe out discrimination and bias may ultimately lead to the destruction of individual liberty.

The article which follows this preface is a tribute to the association's objectivity. It is entitled "Civil Rights and Civil Wrongs." I urge all of my colleagues who are so anxious to pass the civil rights bill to read this article written by Edward F. Cummerford of the Bar of the City of New York.

Mr. Cummerford calls attention to overtones of George Orwell's prophetic novel, "1984," a fine piece of work on thought control. I quote for my colleagues several terrifying paragraphs from Mr. Cummerford's article:

In general, however, the activities of the antidiscrimination agencies are more ominous than amusing. In 1961 the press reported that the Philadelphia Commission on Human Rights had warned 17,000 employers in that city that they must not follow merely the letter of the antibias statutes but be prepared to show that they "really believed in the spirit" of such laws. Recently a civil rights committee of the New York County Lawyers Association advocated strengthening local laws against bias in housing by publicizing proceedings to embarrass the accused; should this not suffice, the committee concluded, "consideration might be given to the traditional criminal sanctions."

One cannot avoid wondering if they have reflected on the proposition that if a mob can take over a lunch counter because it dislikes the policies prevailing within, it can, by the same token, take over a church or a publishing plant or a university which has incurred its displeasure.

The hour is already late. We may be, even now, in the twilight of our liberty, standing on the very threshold of the type of era envisioned by Orwell. When liberty is taken from some, it tends ultimately to fade for all. When that dreadful day arrives, there no longer will be any need to argue about discrimination, for we shall all be joined together in the terrible equality that is slavery.

Mr. President, I am not quoting from something written by someone from Alabama or someone who comes from a State in the Deep South. I am quoting from a lawyer who is a member of the bar of the city of New York. It is his article to which I have made reference and from which I have quoted briefly. It is to be found in the American Law Journal of February 1964.

The question of the constitutionality of the Civil Rights Act of 1875 came to the Supreme Court to be decided in the *Civil Rights Cases* of 1883 (109 U.S. 3 (1883)).

I am sure that everyone remembers those cases. There was a long series of cases which became known as the civil rights cases. I believe one of them—the slaughterhouse case—came up from New Orleans. At any rate I remember quite well this series of civil rights cases from my law school days.

After long and diligent study, the Supreme Court of the United States struck down the vicious force bill.

I am referring to one particular law. Of course, the Supreme Court struck down a whole series of similar laws, but it struck down this particular law. It was a public accommodations law. It struck down the law because under the Constitution, the fundamental law of our land, there was no basis for this harsh law. The case was clear then, just as it is today. The 14th amendment restricts only the actions of the States, not the actions of individuals. That is the distinction that was clearly made in the civil rights cases by the Supreme Court in 1883. As the able Senator from Mississippi pointed out today, the Supreme Court of the United States has continued down to this date to hold that concept to be true. He cited cases and read parts of the decisions made as late as 1963, 1959, and 1961, I believe, and also within the past year or so. The Supreme Court held that the 14th amendment restricts States, not individuals.

Mr. LONG of Louisiana. Madam President, will the Senator yield?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Does the Senator from Alabama yield to the Senator from Louisiana?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. The argument was advanced by one of the Senators from New York, suggesting, if I understood correctly, that if one enjoys the protection of his home under law, he has no right to discriminate in its use. If the argument is pursued to its logical conclusion, would it not follow that a person would have no right to discriminate in the choice of a mate in marriage, by virtue of the fact that marriages, too, are protected by the police power of the State and by the force of law.

Mr. SPARKMAN. Let me answer that by saying that I hope our friends the proponents, in a spirit of beneficence, will not go to the point where they try to control the selection of a mate in matrimony. I hope that will still be left to the choice of the individual.

Mr. HUMPHREY. Madam President, I give the Senator positive assurance that there is no such design or plan. I wish to relieve any anxiety along that line that may threaten to disturb the deliberations of this honorable body.

Mr. SPARKMAN. I am assured. I really had not thought that that would be intended. However, when the distinguished Senator from Louisiana made the suggestion, I thought perhaps there might be something like that brewing.

Mr. LONG of Louisiana. Would not the same logic suggest that if a home is protected by the police power of the State, one has no right to discriminate, because he enjoys the protection of the State government; and therefore, with the police protecting the home against burglaries and the fire department against fire, he would have no right to discriminate with respect to those whom he invites into his home?

Mr. SPARKMAN. We are assured by the proponents that that is not intended. The bill exempts boarding houses that are operated by people who live in them and have no more than 5 units. I do not understand how such an exemption can be provided.

Mr. HUMPHREY. The Senator is absolutely correct as to that provision, but he should have very little difficulty understanding why the provision is in the bill. The public accommodations section enumerates certain types of establishments that would be required to make their facilities available to all without discrimination on the ground of race, color, religion or national origin. Rooming houses with fewer than five rooms and occupied by the owners who are permanent residents are exempt. This cut off point of five rooms was reached in balancing the right of privacy of one who hires out rooms in his own residence and the obligations of a proprietor who maintains a public lodging house.

If the boarding house resided in by the owner had more than five rooms——

Mr. SPARKMAN. Suppose it did not have more than 5 rooms.

Mr. HUMPHREY. Then it would be exempt, exactly as the wage and hour law exempts certain business places. That is a law which the Senator from Alabama helped to sponsor and support.

Mr. SPARKMAN. If six rooms constitute commerce five rooms would constitute commerce, if there were a sign outside.

Mr. HUMPHREY. The Senator should not destroy his good record in this body. I say most respectfully to the Senator that under the social security law, for example, unemployment compensation taxation is applied to employers of a certain number of persons—as I recall, eight or more. If there were seven, the law would not apply.

Mr. SPARKMAN. I realize that.

Mr. HUMPHREY. That is the same principle.

Mr. SPARKMAN. But that is not done on the basis of discrimination. That is only the drawing of a line as to where the law will apply. In this instance, the bill is saying, "You shall not discriminate." I do not wish to argue the point too much, because I favor the exemption.

Mr. HUMPHREY. I was about to say that if the Senator wants to lower the exemption, we will entertain an amendment.

Mr. SPARKMAN. No; I do not want to change it. However, I must say in all frankness that I do not see the distinction.

Mr. HUMPHREY. There were those who favored this provision.

Mr. SPARKMAN. I will not argue that point longer, because if it is intended to force this provision upon us, we are looking for all the exemptions we can get.

Mr. HUMPHREY. I appreciate that. I want to help the Senator to maintain these generous and judicious exemptions in the bill.

Mr. SPARKMAN. I thank the Senator from Minnesota. I cannot quite recall my Latin which says——

Mr. HUMPHREY. "Beware"——

Mr. SPARKMAN. I believe it is a Latin quotation: "Timeo Danos et dona ferentis." I thank the Senator for his statement, but that thought came to mind.

Mr. HUMPHREY. I can well understand why that noble, historic thought should pass through the Senator's mind, particularly in light of the present crisis in Cyprus.

Mr. JAVITS. Would the Senator care to amend that statement by saying: "Greek Democrats bearing gifts"?

Mr. SPARKMAN. I will be nonpartisan about it.

Mr. HUMPHREY. I hope all Greeks are Democrats. I trust there are not many Greek Republicans.

Mr. JAVITS. We Republicans hope there are.

Mr. SPARKMAN. I shall quote again what I quoted earlier today when I propounded a question to the distinguished Senator from Mississippi [Mr. STENNIS]. The late great Supreme Court Justice Brandeis at one time made a statement which is most appropriate to the good things the proponents say they are doing for us:

> Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent.
>
> Men born to freedom are naturally alert to repeal invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding.

It seems to me that that is something for us to keep in mind. Many times when the Government seems to be doing something to help them, the people should be mindful as to whether, by doing so, liberty is being taken away from the individual. The great foundation rock upon which our Government was built is liberty for the individual.

It was largely because of this that many of our ancestors came to this country. They came in order that they might be free individually. It was not so much because this was a free country. They did not come as a country; they came as a group of individuals seeking individual liberty and their individual freedom.

Mr. LONG of Louisiana. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. Does not the Senator regard the right of a citizen to choose those with whom he associates, while respecting the mutual right of those same citizens with whom he associates to discriminate in the choice of those with whom they choose to associate, as one of the basic and fundamental freedoms of an individual?

Mr. SPARKMAN. I certainly do. It is not only a right, a liberty, a freedom; it is something inherent in the individuals. Let us think of it in another way. I hesitate to mention the word "segrega-

tion," because immediately that brings up antagonistic thoughts on the part of others. Nevertheless, I shall use segregation as an example.

Segregation is 99 percent by choice, not by legal requirement. It is noticeable not only in races, but in people of the same nationality. We are aware of racial settlements all across the country. A person can visit certain sections in Chicago and find them solidly Polish. He can go to another section and find it solidly Irish. Another section will be solidly Italian. Different nationalities are found in different sections. They come together naturally. That is the reason why I say segregation by choice is inherent. It is not only a right. It is something that is inherent in the individual; it results from something he wants to do.

Mr. LONG of Louisiana. Is the Senator aware that in Louisiana are groups, such as Hungarians, which usually settle in one particular area among their own people?

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. For example, Scandinavians prefer to settle in one area among their own kind.

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. Is it not true that in one area there may be people of German ancestry who enjoy being among their own kind?

Mr. SPARKMAN. That is true. It is a characteristic, an inherent desire on the part of the individual to live among his own.

Mr. LONG of Louisiana. Is not that a valuable civil right for the individual?

Mr. SPARKMAN. It certainly is. It applies also to those whom he will invite into his home. If a group forms a private club, it is their right to select whom they will include in the club. If women form bridge clubs and invite only their best friends into those clubs, they are not discriminating against those whom they do not invite merely because they invite only the ones they wish to invite. This is true of other organizations and groups that we could think of.

Mr. LONG of Louisiana. Is it not true that those who organize parochial schools for Catholic children teach Catholicism in those schools. Do not those who organize Episcopalian, Presbyterian, or Methodist schools tend to segregate to some extent, and to be selective in permitting those of another religion to attend?

Mr. SPARKMAN. That is true.

Mr. LONG of Louisiana. When that is done, it is not to some extent the practicing of a form of segregation?

Mr. SPARKMAN. I might refer to my boyhood days. I grew up in the country. In my community, there were three different churches, representing three different denominations. My church was Methodist. The whole neighborhood attended all three churches, but one church practiced closed communion. I remember sitting there, as a boy, watching the congregation take communion. I was always puzzled as to why the plate and the wine were passed only to the members of that faith. That always seemed a little strange to me. Nevertheless, they practiced that custom; they believed in it. It was their right to do so; and everyone respected it. I did not feel discriminated against; neither did the other members of my family. All of us would attend that church one Sunday a month. On other Sundays, we attended other churches. We did not feel discriminated against; that was the practice; and we respected it.

Madam President, as I have said, the 14th amendment restricts only the actions of the States. As I have pointed out, the distinguished Senator from Mississippi [Mr. STENNIS] brought out this point very well in the course of his extended remarks this afternoon on title II of the bill.

The 14th amendment provides: "No State shall." It does not provide, "No individual shall." I challenge any Senator to show me in this amendment any words which give the Federal Government the power to regulate individual citizens, acting privately, in the manner which is attempted in this act. They are not there. These words were absent in 1883; and the Supreme Court said so. They have not been scribbled in the margin in the meantime.

The civil rights cases of 1883 have not subsequently been overruled, as have so many others. A few minutes ago I pointed out that today the Senator from Mississippi [Mr. STENNIS] cited for us a chain of decisions through the years, with one of them as late as 1963, in which the same ruling was sustained. There is a consistent, unequivocal, unbroken line of authority until this very day, that the prohibitions of the 14th amendment apply only to States, not to private individuals. I hope to examine this line further in the course of the debate.

I am thankful for this fact, for I hope never to see the day when Congress will arrogate to itself the power, unfounded by the Constitution, to "create a code of municipal law for the regulation of private rights." Though the Court, in the aforementioned case, has stated that this cannot be done under the Constitution, the pending legislation before us seeks to do just that. We must not let this bill pass.

Some would have the temerity to attempt to justify this proposal as a proper exercise of the commerce power granted Congress by the Constitution. Article I, section 8, clause 3 of the Constitution gives Congress the power "to regulate commerce with foreign nations, and among the several States and with the Indian tribes."

Clearly, title II is not a regulation of commerce between the States, or even with the Indian tribes. Rather, this proposal invades the domain reserved to the States by the 10th amendment. This type of police regulation is one which, without a doubt, should be left to the State and local governments.

Also, title II would vest unprecedented powers in the Attorney General of the United States. He would be a sort of czar, with almost unlimited power to harass and intimidate individual business owners who wish nothing more than the right to serve whomever they please.

We have long boasted of the fact and gloried in the fact that ours is a government of laws, not a government of men. Is it not time for us to think about the tendency to vest more and more powers in men and to leave decisions up to men, and the tendency to make ours a government of men, rather than a government of laws?

Mr. STENNIS. Madam President, will the Senator from Alabama yield briefly to me, to permit me to ask a question in regard to the commerce clause?

Mr. SPARKMAN. I am glad to yield to the Senator from Mississippi for a question.

Mr. STENNIS. If, as proposed by the proponents of this measure, it were declared by law that a person who had a restaurant on a highway had to serve all persons who traveled from one State to another, and if that fact alone resulted in a holding that that man's business was an interstate commerce business or a business which substantially affected interstate commerce, and if that contention were upheld, can the Senator from Alabama imagine any business or activity which would not be held to affect interstate commerce?

Mr. SPARKMAN. No. It seems to me that under such a definition, everything could be included; and if it were not included as an individual activity, it would be included by association with other activities.

Mr. STENNIS. So, regardless of one's good motives—and, of course, we attribute good motives to our friends who propose the enactment of this measure—such a holding would mean that the Federal Government would take over, by force, down to the most minute and most intimate rights of the American people everywhere, would it not?

Mr. SPARKMAN. The Senator from Mississippi is correct.

Of course the commerce clause has been invoked in connection with other matters, but not in the way it is attempted to be invoked in connection with this bill. In connection with the wages and hours law, the commerce clause was extended to include department stores which do a certain amount of business; but even then the requirement was that they do at least 50 percent of their business across State lines. In other words, the commerce clause was invoked in that case in a specific way. However, Congress never has moved into a grassroots level and small business level, in the way proposed in this bill.

Mr. STENNIS. I am sure I am correct in concluding from what the Senator from Alabama has said that not only does he believe there is no constitutional authority for the Federal Government to move into that field, but he also believes that before it would be proper for the Federal Government to move into it, specific power should be obtained from the people, rather than to rely on the present provisions of the Constitution and to claim that those provisions provide for such power.

Mr. SPARKMAN. The Senator from Mississippi is correct.

Madam President, in discussing the various titles of the bill, I do not propose to discuss all 11 of them this evening. I am willing to suspend my remarks after I discuss any of the titles; and I shall

be willing to discuss the other titles on a subsequent occasion.

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

Mr. SPARKMAN. I yield.

Mr. HUMPHREY. I realize that tonight most Senators are to be honored at the annual dinner of the Veterans of Foreign Wars—a significant event in the Nation's Capital. I have no desire to interfere with the plans for that very fine event—one of the finest in the Nation's Capital. So I believe that in a short time the Senate should take a recess, in order to accommodate all Senators.

Mr. SPARKMAN. I appreciate that suggestion by the acting majority leader. I hope to attend the dinner.

Mr. HUMPHREY. I realize that.

Mr. SPARKMAN. I am one of the Members of Congress who have had war service; and the dinner is an annual one, as the Senator from Minnesota knows, and I should like very much to attend it. So I am willing to accommodate the leadership.

Mr. HUMPHREY. I realize that the Senator from Alabama is willing to do so.

Today both the Senator from Mississippi [Mr. STENNIS] and the Senator from Alabama [Mr. SPARKMAN] have presented well documented arguments on one of the most important and controversial features of the civil rights bill. I believe title II will require examination with meticulous care on the floor of the Senate.

As the debate proceeds, there may be times when we shall be a little less patient with one another. But at least at the present stage it would seem to me that the arguments that are being made ought to be carefully examined. We do not wish to do anything that is wrong. We do not desire to do anything that is unconstitutional—at least, as we interpret the Constitution. The Senator from Minnesota has a point of view about these subjects. I have the greatest regard for the views of the Senator from Alabama and the Senator from Mississippi. I believe the arguments which have been made have been very well thought out and, as I have said, documented by cases and by personal observation.

Will the Senator from Alabama yield to me for a moment further?

Mr. SPARKMAN. Yes, indeed.

Mr. HUMPHREY. So at least we might spread through the RECORD the differences of point of view, without trying to draw any final judgment. The Senator from Mississippi [Mr. STENNIS] was very considerate in yielding to me while we were discussing the application of the 14th amendment and the commerce clause. As I said then, and repeat now, I lay no claim to any unique knowledge about the commerce clause and the many great interpretations of its application.

I merely wish to note that under title II, as the Senator from Alabama and the Senator from Mississippi have noted, subsection (b) of section 201 states:

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunch room, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A) which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

As I have demonstrated, subsection (b) of section 201 enumerates certain types of establishments which would be required to make their facilities, goods, and services available to all without discrimination on the ground of race, color, religion, or national origin if, and only if, the operations of such enumerated establishments—"affect commerce, or if discrimination or segregation by it is supported by State action."

Subsection (c) defines what operations affect commerce for purposes of each type of establishment enumerated in subsection (b).

During the course of the debate I am sure that we shall go into the subject in much more detail as we examine that subsection. I am sure that one Senator after another will go into it. I know that there are many differences about that section. However, an independent and additional constitutional basis for the proposed legislation is supplied not only by the commerce section of the Constitution, but also by the 14th amendment. That is why subsection (b) provides that "if discrimination or segregation by it is supported by State action."

Establishments are covered without respect to whether commerce is covered. I think we would agree at least on that constitutional interpretation. The reason that subsection (b) uses the phrase "supported by State action" is that the 14th amendment provides only that no State shall deny to any person the equal protection of the laws.

Ever since 1883, when the Supreme Court decided the civil rights cases, it has been held that Congress may legislate and interpret the 14th amendment only with respect to the action of the State. We went into that subject earlier today. It has been established by a long line of decisions that State action for the purpose of the 14th amendment is a subject which may be satisfied by varying circumstances.

The Senator from Minnesota wishes to note that if we should take a look at the spectrum of State action under the 14th amendment we would find the following instances in which the 14th amendment would apply:

To a State law or an ordinance of any political subdivision of the State which specifically prescribes segregation.

State officials acting in the name of the State publicly admitting that they are enforcing a custom of segregation.

There is a third item in the spectrum. If the Senator will bear with me, I know there is disagreement about that item.

Mr. SPARKMAN. I merely wished to comment on the subject of custom. There could be some understanding on the Senator's contention about the 14th amendment applying in cases in which a State law or a city ordinance, contains a definite provision, because that would become State action.

Mr. HUMPHREY. I believe we would agree on that.

Mr. SPARKMAN. But I cannot think of anything that is more far-fetched than to say that the provision would cover the action of some officers who is doing something because he says it is the custom in that area to do it.

By the way, while I am speaking—and I shall yield again to the Senator—I noticed that subsection (c), which describes when a business would be in interstate commerce, provides that if—

(b), it serves or offers to serve interstate travelers (or)—

It does not say "and"; it says "or"—

a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce.

How can a restaurant get food without using interstate commerce? It may not use it itself, but it will buy food from a wholesaler. The wholesaler will have hauled the food from Minnesota or somewhere else. We might get our grits from Minnesota.

Mr. HUMPHREY. We get our grits from Alabama.

Mr. SPARKMAN. We obtain our cereals and things of that kind from the Midwest, in areas around Minnesota, Iowa, and other States. How could any restaurant be exempt from that provision? If the Senator will go down the list, he will observe that no business would be exempt.

Mr. HUMPHREY. With reference to the list specified in section 201(b) of the bill, I believe the Senator is correct.

Mr. SPARKMAN. It is the only provision relating to interstate commerce that I have ever known to go so far down to individual establishments. We have not so provided in any other law of which I have knowledge.

Mr. HUMPHREY. That is a well expressed point of view of the Senator from Alabama. We shall go into that question. I am sure that the Senator from Alabama will do so in his very persuasive manner in coming days. It is the intention of certain Senators who support the bill to go into it. It is the kind of thing that we ought to discuss.

Mr. SPARKMAN. I agree. The point that I made in the beginning of my talk this afternoon was that it is a great pity that the measure could not have

been handled by some committee. That is the function of committees. They go into such questions as the one which we have been discussing and thresh them out. It is difficult to do that work on the floor of the Senate. As a member of the Committee on Banking and Currency, I know how hard it is to work with a committee of 15 members. But when we work with a Committee of the Whole, consisting of 100 Members, the task becomes extremely difficult. It is a pity that the bill was not lodged in some committee that would try to resolve these difficult questions section by section, subsection by subsection, and clause by clause.

Mr. HUMPHREY. Title II was the subject of exhaustive and comprehensive study in the Committee on Commerce. Some of the best lawyers in the Senate are members of the Committee on Commerce. The bill came within the jurisdiction of that committee.

Mr. SPARKMAN. For my information, what is title II?

Mr. HUMPHREY. The public accommodations section.

Mr. SPARKMAN. That is not the bill that came from the Committee on Commerce.

Mr. HUMPHREY. No; but if the Senator thinks that title II is a rather far-reaching section, I most respectfully suggest that the bill that came from the Committee on Commerce is a much more far-reaching and comprehensive proposal. There were only two votes against it when it was reported from the committee. Members of that committee are Senators like the senior Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. LAUSCHE], the Senator from Texas [Mr. YARBOROUGH], the Senator from California [Mr. ENGLE], the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. HART], and the Senator from Nevada [Mr. CANNON], the Senator from New Hampshire [Mr. COTTON], the Senator from Kentucky [Mr. MORTON], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Vermont [Mr. PROUTY], and the Senator from Maryland [Mr. BEALL].

Most of those Senators are distinguished lawyers. They did a very good job, but they reported a much stronger measure on public accommodations than is provided in this bill.

Mr. SPARKMAN. Frankly, I have not even seen the bill that was reported by the committee.

Mr. HUMPHREY. It has been on the calendar.

Mr. SPARKMAN. I understand it is on the calendar. I would certainly object to the provisions of that bill as I do to this bill, along the lines I have presented this afternoon.

Mr. HUMPHREY. Before we hopefully end our debate for tonight, I wish to enter into the RECORD this statement: The two speeches which have been made are important speeches. I do not wish in any way to deprecate or cast reflection upon the addresses of today. The two Senators have done an admirably good job. I merely point out that if we look at the spectrum of State action under the 14th amendment, there are four areas of possible application. I said "possible." I do not happen to agree with some of them.

First, a State law or an ordinance of any of its political subdivisions which specifically prescribes segregation.

I think most of us would agree that that category would constitute sufficient State action to bring to bear the 14th amendment.

Second, State officials publicly admitting that they are enforcing a custom of segregation. This was the basis of the recent Lombard decision in the Supreme Court.

Third, so-called colorblind trespass laws being used to call in police officers to eject persons from the premises of a proprietor whose sole reason to eject is to keep the facilities segregated.

Fourth, the license theory whereby the issuance of a State license or articles of incorporation, or the issuance of a public health certificate, and so forth, would be sufficient State action to satisfy the requirements of the 14th amendment.

The Senator from Minnesota does not contend that. This last category is in his opinion insufficient State action to bring the 14th amendment to bear but it does represent the present limit of the spectrum.

Mr. SPARKMAN. I knew that.

Mr. HUMPHREY. I am merely saying that this is the spectrum of what are called State actions under the 14th amendment. The first two have been declared by the Supreme Court to be clearly sufficient State action within the bounds of the 14th amendment.

The third is currently pending before the Supreme Court for decision.

The license theory, which is a rather far-reaching doctrine, was the theory of Associate Justice Douglas contained in one of his concurring opinions.

The bill does not deal with the latter two categories. The present bill does not rely upon the resolution of the constitutional questions presented in the third and fourth categories. It relates only to the first two categories, which have already been clearly interpreted as constitutional.

I hope we can concentrate our attention upon the first and second during the debate. I believe it would be very helpful.

The Senator from Minnesota offers the suggestion to more or less crystallize the argument. I appreciate the way Senators who oppose the bill have handled the debate. I am not critical. I think it has been a good debate. I only regret that more Senators are not present to hear it.

This is important legislation. I want to make it crystal clear that it is not our intention to unduly rush the legislation through, even if we had the means to do it—and I would say that is dubious at the moment. I believe the bill requires very comprehensive study and debate. Those of us who are proponents of the bill have an obligation to make our case, and not let the whole burden rest on the opponents.

There will be no charge of filibuster by the Senator from Minnesota so long as the discussion stays on the issue. It seems to me it is sufficiently important to talk about, argue about, disagree about, and, hopefully, find a solution for. That is what I would like to see as the pattern of the debate.

I thank the Senator from Alabama for his customary courtesy in yielding to me to make these observations.

Mr. SPARKMAN. I appreciate the remarks of the Senator from Minnesota. He has made reference to two speeches that have been made today, by the Senator from Mississippi [Mr. STENNIS] and myself. Contrary to the belief of many persons over the country, we do not, in these debates, deal with extraneous matters.

This is my 18th year in the Senate. The Senator from Mississippi [Mr. STENNIS] is approaching his 18th year. He came here a few months after I did. During that time I have never, at any time in the debate on a civil rights measure, departed from the subject. I have never known a Senator debating the subject on either side to read telephone directories. Some persons have the idea that we read telephone directories, discuss recipes, and follow that kind of procedure.

During the 18 years I have been in the Senate, I have never known a Senator on either side to indulge in anything of that kind.

I assure the Senator from Minnesota that during the debate whatever part I take in it will be germane.

Mr. HUMPHREY. Madam President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. HUMPHREY. I asked the Senator to yield again because I feel strongly about this issue. I feel we are somewhat on trial, not so much because of what one's views are, because a Senator is entitled to express his point of view. That is why we are here. If we all had the same point of view, we could lock up the place and save the money for the taxpayers and get the kind of "efficiency" that some people think we ought to have, and "take it" and say nothing about it. Our purpose is to discuss the question, amend or change the bill, if need be, and then vote it up or down.

Without casting a reflection on any Senator who wants to follow any parliamentary procedure he wishes, my hope is that shortly the Senate can act on the motion to take up the bill, and vote to consider the bill. I assure Senators who are in opposition to the bill that the Senator from Minnesota wants full discussion of the measure.

From what I heard yesterday, with the Senator from Georgia [Mr. RUSSELL] leading off, followed by the speech of the Senator from Alabama [Mr. HILL], and what I heard today in the speeches by the Senator from Mississippi [Mr. STENNIS] and the Senator from Alabama

[Mr. SPARKMAN], plus what we have contributed as proponents of the bill, I should say this is the way we should argue and debate.

Mr. SPARKMAN. I think the Senator from Minnesota will agree with me that there has been no effort whatever to be dilatory.

Mr. HUMPHREY. None.

Mr. SPARKMAN. I could easily have asked for a quorum call before I started to speak, which probably would have killed 30 or 40 minutes.

Mr. HUMPHREY. The Senator is correct.

Mr. SPARKMAN. I did not ask for a quorum call, because I had a presentation I was ready to make. I wanted to go to the dinner referred to. So I started my presentation.

I have enjoyed the discussion throughout. I appreciate the remarks of the Senator from Minnesota.

Mr. JAVITS. Madam President——

Mr. SPARKMAN. Madam President, I assume the Senator from Minnesota is about ready to close; and there is no reason, even though I have not finished, why I should not yield the floor at this time.

Mr. HUMPHREY. That is the desire of the Senator from Minnesota. I had hoped that the Senate might remain in session a little longer at this time, but because of what I consider to be rather extenuating circumstances, it is desired to complete the business of the Senate shortly.

Mr. JAVITS. Madam President, before the Senate recesses for the night, I should like to say a word about the committee idea which sounds so logical and so easy to take, and makes those of us who oppose the idea of referring the bill to a committee seem like such unreasonable men.

Why should we oppose a committee looking into the question?

As the question has occurred a number of times today, and as I am one of the managers on my side of the aisle for the day, I should like to state clearly for the record what the situation is.

The principal elements of the bill have been carefully considered by Senate committees. After thorough hearings, the Committee on Commerce reported a bill on public accommodations. It carefully analyzed the law, and that bill has been on the calendar and has gotten exactly nowhere.

The Committee on Labor and Public Welfare, of which I have the honor to be a member, carefully considered that part of the bill which relates to fair employment opportunity, and reported a bill; and it has been on the calendar. It is resting in exactly the same place as the public accommodations bill.

In addition, an effort was made in the Committee on the Judiciary to have hearings on civil rights bills, and some 9 days were consumed, with the Attorney General on the stand being questioned by one Senator, who is undoubtedly—as are other Senators concerned—in opposition to the bill and an ardent advocate of now referring it to a committee. No other Senator had an opportunity to question the Attorney General. I assume, if we asked the Senator, he would say even he was not through with questioning the Attorney General on the bill.

For many years, the Judiciary Committee has been known, aptly so, as the graveyard of civil rights bills in the Senate. Extensive hearings were held on this bill in the other body and there was extremely intensive debate and analysis of the law and consideration of all the questions raised; and here we are, now, facing a timetable dictated by the justice of the case, with great feeling being displayed by the country, as expressed by the majority leader himself, that history, the exigencies of our time, and the real dangers which face public order and tranquillity, quite apart from the enforcement of the Constitution, impel us to move forward.

Under these circumstances—and there are probably other arguments that other Senators can think of but which I cannot muster "off the cuff" this evening—it seems to me it is laboring the point to say, at this stage of the proceeding when we are dealing with the bill, that it should now be referred to a committee.

For how long would it be referred?

The most that is asked for is 10 days. Considering what happened in the Judiciary Committee to the Attorney General at the hands of one Senator for 9 out of the 10 days of hearings already held there, what is likely to happen to the bill if it is again referred is just to defer debate for 10 more days, in addition to any other pitfalls which the bill might reasonably run into if it should be taken from the Senate, to be reported back later.

I am reminded by the Senator from Michigan [Mr. HART], who has been a great leader in this fight, that title of the bill relating to the Civil Rights Commission had full hearings before the Constitutional Rights Subcommittee of the Judiciary Committee. Its record is printed, so that the facts are available to Senators in connection with many of the reasons why this legislation is urgently required.

The proposal which we defeated some days ago, to send the bill to committee, was a proposal which would not even have made the bill the pending business when it was reported. If we had sent it to committee, it would have come back after some days and we would still be exactly where we are today, debating whether to make the bill the pending business.

What are we offered by the opposition, who insist that the bill go to committee? We are not even offered the privilege of making it the pending business so that a vote could be taken promptly.

The whole story was clear when the Senator from Georgia [Mr. RUSSELL] rose today and stated that Senators are entitled to debate the issue. Exactly the same issue could be and will be debated, as is the right of all Senators, when the bill becomes the pending business.

Senators on the side of civil rights cannot sit mute day after day and allow debate to continue by Senators who oppose civil rights and present their case to the country day after day, without the answers being placed in the record at the same time.

I believe the people will decide this issue. This will have its impact on the Senate now, more than ever before in the history of civil rights legislation. But the people cannot know what the facts are, unless we reply day by day as the arguments of the opposition are made; and we must reply in the best good temper. I believe the Senator from Georgia [Mr. RUSSELL] said I was vehement today. Perhaps I sound that way; I do not feel that way.

That is my way of speaking, or my temperament. But I agree with the Senator from Minnesota that it is the duty of Senators to expose their opposition fully in all its detail; and it is also our duty to expose our position and to do our utmost to get on with the urgent business before the country, which is the right to vote, once this issue has been thoroughly explored.

So I could not sit mute, Madam President, while the point was made—which sounds logical and proper, but which is so specious—that we should refer the bill to committee, without putting at least some of the facts on the record at the same time.

Mr. HUMPHREY. I thank the Senator from New York for again setting the record straight in reference to the manner in which the proposed legislation has been handled by the committee.

I intend to say something about that tomorrow, because I am of the opinion that the Senator from New York is eminently correct when he says that each day some effort should be made—I hope an effective effort—to analyze the debate that is going on, and to state the position of the proponents of the legislation, as well as that of the opponents.

As the Senator knows, it is the intention of the proponents of the bill to state our case when the bill is before the Senate.

The Senator from Michigan [Mr. HART], for example, will state the case for title I; the Senator from Washington [Mr. MAGNUSON] will state the case for title II; the Senator from Rhode Island [Mr. PASTORE] will state the case for title VI. The Republican Senators will make a similar presentation and we will attempt to alternate in order to keep some balance in the matter.

I state this now so that the record may be clear, and that there may be some forewarning that those of us who feel strongly about the passage of this legislation will not, cannot, and should not content ourselves with merely listening to the opposition. We must state our case as well. We have an obligation to do so, both moral and legal, and as Senators of the United States. It is our intention to do so.

Mr. JAVITS. Madam President, I believe this will be the first time in a civil rights debate when we have been organized as effectively as this.

On this side of the aisle the Senator from New York [Mr. KEATING] has title I; the Senator from Nebraska [Mr. HRUSKA] has title II; I have title III; the Senator from Kentucky [Mr. COOPER] has title IV; the Senator from Pennsyl-

vania [Mr. SCOTT] has title V; the Senator from New Hampshire [Mr. COTTON] has title VI; and the Senator from New Jersey [Mr. CASE] has title VII.

So I am glad to join other Senators. I believe the dignity of the case requires this, and I agree with the Senator from Minnesota [Mr. HUMPHREY] that the dignity and sincerity which has been shown today by the two Senators of the opposition require that we present our case at the same time.

Mr. HUMPHREY. For the record, so that we may know what the plans are, there will be an opening statement, when the bill is finally before us, which will be made by myself; there will be another statement, an opening statement by the assistant leader on the Republican side of the aisle, the Senator from California [Mr. KUCHEL].

As the Senator from New York has indicated, a number of Republican Senators will deal with the bill title by title down through title VII.

On the Democratic side, title I will be in the hands of the able Senator from Michigan [Mr. HART]; title II will be in the hands of the Senator from Washington [Mr. MAGNUSON]; title III will be in the hands of the Senator from Oregon [Mr. MORSE]; title IV will be in the hands of the Senator from Illinois [Mr. DOUGLAS] title V, Senator LONG, of Missouri; title VI, Senator PASTORE; title VII, Senator CLARK; titles VIII, IX, X, and XI, Senator DODD.

We shall attempt to present as well as we can our case for the respective titles. I hope that Senators in opposition will do the same, so that we may have a productive debate which I believe will do the Senate honor and will be helpful to everyone interested in the legislation, both for and against.

READJUSTMENT ASSISTANCE TO CERTAIN VETERANS

Mr. YARBOROUGH. Madam President, during the delivery of Mr. SPARKMAN's speech, the Senator from Alabama referred to the bill (S. 5) to provide readjustment assistance to veterans who served in the Armed Forces during the induction period, which is the second bill on the Senate Calendar, and has been on the calendar since July 2, 1963. It is the GI bill. The distinguished Senator from Alabama, as a Member of the House of Representatives, was one of the sponsors of the original GI bill in 1944 during the World War II. I had the privilege of attending a great banquet last week of the American Legion in Washington at which a great message of tribute to the GI bill from the President of the United States was read. The national commander of the American Legion was present. At that time it was pointed out how many people have been benefited by that bill. I believe that more than 400,000 school teachers, 400,000 engineers and scientists, and more than 200,000 medical personnel—doctors, dentists, and nurses—had been obtained for our country under the GI bill. I pointed out to the commander of the Legion how the bill had paid for itself. It is incomprehensible to me, with the known benefits of the proposed legislation, and with the testimony taken on the Hartke bill before the Subcommittee on Education, in which it was pointed out that in 1955 payments under the GI bill by our Government amounted to $706 million and that by 1960 that amount had gone down to $70 million, how our Government can think it has strengthened education—after pulling down by 90 percent the funds granted for higher education during that period.

I hope that we can obtain enough support for the bill so that it can be brought before the Senate and passed. Thirty-nine Senators, including the Senator from Alabama, have sponsored the bill. Testimony before a number of committees, including the Veterans' Subcommittee, shows the imperative necessity for the bill.

The distinguished Senator from Alabama [Mr. SPARKMAN] has done much to support the proposed legislation, as well as the housing legislation in the Congress over past years. He is almost known as "Mr. Housing."

SECRETARY OF AGRICULTURE ORVILLE FREEMAN MADE BRILLIANT FARM SPEECH AT RICEGROWERS MEETING

Mr. YARBOROUGH. Madam President, Secretary of Agriculture Orville Freeman delivered an address of worldwide significance at the annual meeting of the Rice Growers Association at the Rice Hotel in Houston, Tex., January 31, 1964.

While he was speaking to a group of ricegrowers, he dealt with the problems of agricultural imports generally.

I see the distinguished Senator from South Dakota [Mr. MCGOVERN], who was formerly administrator of our whole food-for-peace program, in the Chamber. I believe he will find the address by Secretary Freeman of great interest. It is one of the most illuminating farm speeches I have heard.

In his address, the Secretary of Agriculture discussed in detail many of the major problems and goals of this administration, particularly in regard to world trade in agricultural goods.

The Honorable CLARK THOMPSON, whose Ninth Congressional District embraces a large ricegrowing area of Texas, was honored at this meeting for his knowledge and outstanding work in this vital field of our economy.

Because of the timeliness and importance of Secretary Freeman's remarks, I ask unanimous consent that they be printed in the RECORD.

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

ADDRESS BY SECRETARY FREEMAN

This is a critical year for agriculture and particularly for agricultural trade. Preliminary talks leading to the opening of general trade negotiations in May of this year have been underway for some months. Decisions which will be made in Geneva this year in the trade negotiations will have a critical effect on American agriculture and on farmers in the United States for many years to come. These decisions are turning out to be difficult to make.

I refer, of course, to the negotiations which have come to be called the Kennedy round of general trade negotiations arising out of the Trade Expansion Act of 1962. The trading countries of the world and the agricultural producers in these countries are truly at a crossroads in 1964. They may choose to travel the high road of trade expansion, of fair and liberal and outward-looking trade policies, or they can choose the low road of restrictive inward-looking, self-sufficient agricultural and trading systems.

If the commercial trading nations of the free world take the high road, it can mean expanded export markets, increased sales for U.S. farmers, and a better day for the world's consumers. If the trading countries take the low road, it will mean higher costs to their consumers, lower standards of living, political differences arising out of economic protectionism, and a far more difficult world to live in.

I want to discuss these questions tonight not only with rice producers and rice millers who are here at this meeting, but through you with farmers all over the country. The question of trade is one which affects all of our farmers to a greater or lesser degree. Even though rice exports may be governed by regulations in foreign markets which are different from those which govern feed grain exports, the principles which can improve farm incomes and enhance the living standards of the world are the same from commodity to commodity and throughout the world.

I want to ask a few questions tonight and then seek to answer them. In this fashion, we can best pinpoint some important facts in what has come to be a somewhat confusing picture.

1. Are agricultural exports important?

2. Why is it that trade negotiations involving agricultural products are so difficult?

3. Has the emergence of the EEC changed things in regard to agricultural trade?

4. Do we oppose the EEC or obstruct it?

5. Do some of the EEC's current practices and negotiating proposals represent a serious threat to the American farmer and his markets?

6. What are these negotiating proposals, and why do they threaten our legitimate rights?

7. Do we have negotiating proposals?

The answers to these questions are difficult, but they are crucial to the agricultural trade negotiations, and the outcome of the issues raised in these questions is as important to American farmers as the outcome of our own domestic agricultural policies.

1. Are agricultural exports important? They are exceedingly important—more than at any time in our history—to farmers and to the entire Nation. Exports provide markets for over 60 million producing acres; they greatly ease the problems of production adjustment. Exports strengthen market prices and improve farm incomes. Farm products for export provide jobs for around 1 million farmworkers, and many thousands of additional jobs for those in towns and cities who transport, store, process, and otherwise service our food and agricultural industries. Agricultural exports selling in the world market for dollars add to the plus side of our international accounts at the rate of $4 billion a year—twice the dollar export rate of 1955, before most of today's market expansion efforts were undertaken.

Not only do agricultural exports aid our own economy greatly, but they are one of the greatest expressions of American progress and American ability as seen in foreign lands. Today, the products from American farms are helping to feed and clothe more millions of the world's people than ever before, and this fact speaks loudly and clearly for our free and competitive agriculture.

Because agricultural trade is important, agriculture is included in the general trade

negotiations. There is a very simple logic behind the decision to tie all products together in the negotiations. It will benefit both sides to do this. It was to use agricultural concessions where possible to secure industrial concessions, and to use industrial concessions where possible to secure agricultural concessions. This procedure is at the very heart of the decision to coordinate the agricultural and nonagricultural trade negotiations. It makes good negotiating sense and gives us a stronger hand. Europe is not basically an agricultural exporter. We have comparatively little to offer her that is attractive in the agricultural concession area. But Europe is a heavy exporter of nonagricultural products and there is ample opportunity for exchange.

2. Why is it that trade negotiations involving agricultural products are so difficult?

There are certain historical reasons. In the United States and throughout the world, the farmer has always been the low man on the economic totem pole. As governments have introduced measures to improve the incomes of farmers relative to other economic sectors, there has grown up a whole system of restrictions protecting domestic production in all countries by shutting out trade. I do not exclude the United States from this difficult situation, although our agriculture is protected far less than the agriculture of other countries. In the United States, however, farm families on the average earn incomes only 55 percent as high as the average for families working in other economic sectors. The same thing is true in Europe. This situation can and must be improved both in the United States and in Europe. But it cannot be improved simply by building a wall around the agriculture of a country or group of countries, thereby restricting the flow of trade. Yet that has often been the first approach to our farm income problems. And it is one we must still reckon with.

There is also the fact of the technological explosion. The immense improvements in agricultural productivity, especially in the United States and in Europe, have brought the pressure of agricultural surpluses to bear on farm prices and farm incomes. Also, this rising productivity has led many countries of the world to believe that they can become self-sufficient in agricultural production even though they have failed to do it in the past. This has long been a goal in some areas. So, on the one hand, the tendency to protect the farmers from the price consequences of increased output leads to trade restrictionism. And, on the other hand, the prospect of increased productivity rekindles the desire of many countries of finally becoming self-sufficient.

3. Has the emergence of the EEC changed things in regard to agricultural trade? The EEC, or Common Market, is an economic union of six Western European countries. It aims eventually to eliminate barriers to trade between its members. It must harmonize different economic systems and price levels. When this is done, the EEC—on economic matters—will look and act as a single nation. In the trade negotiations, they will act as one in negotiating with the rest of the world, including the United States. They are trying to do what we did when we adopted a common Constitution—they want to be six in one. Clearly, the EEC has changed things, and we need to take account of the new problems which have resulted.

4. Do we oppose the EEC or obstruct it? Does the United States seek to undermine its agriculture? Absolutely not. The United States has supported and nourished the EEC. In principle, the countries of the EEC and the United States have agreed that we can improve the welfare of our farm people and improve our trading relations with one another at the same time. We all subscribe to the rules of the General Agreement on Tariffs and Trade—the GATT. We work together for a stronger free world.

But as so often happens in human affairs, it is easier to agree upon objectives than it is to agree upon ways to attain them. It is difficult to accomplish all we seek. As a result, certain practices and new systems have come into existence, and others are being discussed which would not appear to further the trade objectives we seek.

The United States, and particularly the Secretary of Agriculture, has often been charged with unreasonable demands upon other trading countries and especially on the EEC. It has been said in Europe that we seek to flood their markets with the products of U.S. farms, and to replace European farmers. This is simply not true. Let us look briefly at what the United States really wants in the agricultural negotiations.

What we have asked for is exactly what we are willing to give; namely, fair access to the markets of the world based on trade in a recent representative period. Our present negotiations on beef imports are an example of this. U.S. beef imports have climbed spectacularly in the last several years. They are influencing domestic prices and farm income. But the United States is not arbitrarily slamming shut its door on imports. We are negotiating with our principal suppliers access arrangements which will recognize our situation and their market needs. These market-share arrangements will allow imports to continue to enter the United States up to recent representative levels, and to expand as our total market grows.

The United States and other exporters now supply a share of Europe's markets and the markets of the other trading nations. What we ask in the future is that the agricultural trade policies being undertaken not be designed to reduce our opportunities to share in those markets on a fair and reasonable competitive basis. We ask that the interests of the efficient agricultural producers of the world be accounted for in the agricultural and trade policies of other countries.

We have the greatest sympathy for the problems of European farmers. Our farmers have much in common with the farmers of Europe. We hope that Europe's farmers will prosper and that their markets will expand and their income rise along with the incomes of U.S. farmers. We seek an opportunity to show, therefore, that it is to the mutual advantage of importing countries and exporting countries to share the world's agricultural markets and that the end result would be better farm incomes and higher living standards throughout the world.

5. Do some of the EEC's current practices and proposals represent a serious threat to the American farmer and his market?

The only possible answer to this question is "yes." Some of the erosion of the American market has already begun. Exports of wheat flour to the EEC countries dropped by 40 percent in 1963; exports of poultry and poultry products declined by 64 percent in 1963. Import restrictions for grains which are under discussion within the EEC could seriously damage our markets for wheat and feed grains. And a negotiating plan has been proposed which would have the effect of basing the agricultural trade negotiations upon a system of agricultural policies and levies which would seriously threaten markets we have served for many years

6. What is this plan and why does it threaten our legitimate markets?

The newspapers in recent weeks have written a great deal about a negotiating plan for agriculture developed by the EEC. Our knowledge of this plan is in many respects incomplete but we know enough about it to be very concerned about its effect upon the United States and upon the trade negotiations generally.

In essence this plan seeks to turn all import duties or other import barriers on agricultural products, in all negotiating countries, into variable levies of the kind now applicable in the EEC. It would seriously alter the present system of agreements and practices worked out over many years, and replace them with a new system.

As I understand it, this is not the kind of negotiating proposal which would make for progress. Instead we need a more practical proposal which recognizes and respects the different kinds of farm support systems in the world and the different kinds of import barriers which protect them. It is not reasonable to expect to impose one system on all countries of the world, no matter how appealing that system may be to those who have devised it. We need a plan which can result in the reduction of fixed import duties, in greater access to markets, and in the reduction or elimination of discrimination among supplying countries where it is practiced.

The rights of third countries of access to markets have been painfully negotiated over the years. They are the starting point for further negotiations. If they are swept away, the fair and legitimate trade interests of the rest of the trading world will go with them. This must not be allowed to happen.

7. Do we have a negotiating proposal? I do not approach these matters in a negative way—to obstruct progress. It is useless to point our finger at others if we have no proposals of our own. Instead, we must approach these important trade negotiations positively, recognizing the problems of others sympathetically and not rejecting out of hand the needs of other countries for a sound domestic farm policy which meets their needs.

To do this, we must first find a way to negotiate under the new circumstances resulting from the EEC; then we must actually negotiate. As realistic people, we are not trying to redesign the world's commercial trading system; instead we are searching for a negotiating plan, recognizing the differing needs of all countries to protect their farm income programs.

In my considered judgment there is such a practical workable system. We in the USDA have worked long and hard on such a plan. Its basis is very simple. Its aim is fair market sharing based on longstanding practices, adjusted to new conditions resulting from the EEC and recognizing her problems but also the interests of third countries as well. Such a negotiating plan recognizes that all countries have rights. It would embody certain well-established international trading principles and goals.

Here are its elements:

1. Fixed import duties should be reduced substantially. If the negotiating countries adopt a general rule for reducing fixed duties, that rule should cover agricultural products as well as industrial. Any items too sensitive to permit lower duties would qualify for an exception for farm products as for any type of product.

2. Variable import levies—a new device widely used in the EEC and in some other European countries—should be included in the negotiations in a meaningful way. But variable levies cannot be reduced as fixed import duties can, so we must find an alternative means of trade liberalization. Negotiated trade access through arrangement for both domestic producers and exporters to share equitably in expanding markets would be the basic approach for grains, meats, and certain other variable free items.

3. For certain products, quantitative restrictions or state trading impede trade. Where these barriers are used for the protection of farm income programs, improved access for imports should be negotiated again through fair market share arrangements similar to those which would be ne-

gotiated for variable levies. Where the nontariff barrier does not perform a critical function in the protection of farm income, however, we believe the barrier should be removed as quickly as possible.

These proposals are already before the world. They are in fact a part of the common language of trade liberalization aimed at creating balance between the legitimate protection of domestic farm income by various countries on one hand, and expanded international trade in agricultural products on the other.

Let me explain in a little more detail what I have in mind. The fixed import duty is the most common form of protection in the world. It is still the prevalent form of protection here in the United States. We are willing to consider reducing our fixed import duties on agricultural products if we can get adequate payment for them abroad—we don't intend to give anything away—and if the domestic situation permits a cut. We think other countries should be willing to do the same.

We recognize, however, that for many commodities the fixed import duty is not the principal form of protection used. Variable levies, quantitative restrictions, and state trading are different, and they require different methods. There are these and a host of other devices which, singly or in combination, give the protection which was once required and which we all seek to reduce in these negotiations for our common good. Nontariff barriers cannot be excluded from negotiations simply because they are not tariffs. The most sensible way to include them in the negotiations is to negotiate market share arrangements for products covered by such systems. Even here I see no need for any one form of arrangement. It should fit the needs of the countries and commodity with which we are dealing. The International Wheat Agreement and the market-sharing arrangements proposed by the United Kingdom in meats and cereals are important precedents.

The essence of each arrangement, however, would be an assurance given by the importers to efficient outside countries that these producers would have the opportunity to compete with domestic producers for a fair share of the domestic market. This market share would be based upon imports in a recent representative period, and it would provide for expanded imports as the total market grows. It does not admit exclusion from markets, either by direct quotas or by adoption of domestic policies which have that effect.

For some commodities—cereals and meat and dairy products come immediately to mind—these market share arrangements may have to be quite elaborate. They may require new multilateral agreements involving all major importers and exporters. They may cover areas of national policy not now subject to international commitments—such as support prices or noncommercial sales. They might require all the developed countries of the world to make substantial contributions to the less developed countries by way of food aid.

The core of such arrangements, however, would be the assurance given by importers to exporters that they will not be shut out of the dollar import markets through the application of restrictions at the frontier.

I repeat that agricultural markets can grow as they must only if the agricultural negotiations can make progress—only if the key can be found to a liberal and progressive negotiating plan.

I have set before you tonight such a negotiating plan: to reduce tariffs, to guarantee fair and reasonable access to markets where tariff reduction is not applicable or possible, and to remove nontariff restrictions at every opportunity.

This is a negotiating plan the world can understand. It does not involve the writing of a new language for the agricultural talks. It does not build the trade negotiations around any particular domestic agricultural system, but rather adapts the trade negotiation plan to the main systems of protection and duties of all the trading partners in the world. It starts from where we are. It builds on the successful negotiations of the past. It benefits all nations—developed and less developed alike.

Finally, it is a plan for trade liberalization, and that is what the trade negotiations are all about.

It would require tariff cuts; it is not at all clear that other proposals would do this.

It would assure markets to efficient producers and would require some limit to the measures encouraging inefficient production.

It would expose the trading practices and the domestic farm policies of the free world to the test of the high principles under which the trade negotiations were launched.

It would inject new strength and vigor into the world's established commercial trading system, a system which has served man well through the ages and which continues to offer best promise for effective and rewarding distribution of his production.

As we move forward in trade talks, we need and want the advice and the support of farm groups in the United States. I assure you of the strongest possible representation of your interests, from the President on down. I have high hopes for a successful outcome, for expanded markets, and for better farm incomes as a result.

Never before in trade negotiations has agriculture received so much attention and consideration. Agricultural trade had the vigorous attention of President Kennedy; it now has the vigorous attention of President Johnson. As a result, agriculture and industry are together in the trade talks. This is the policy of the U.S. Government. With the help and support of agriculture and industry, I am optimistic that this united front can be turned into the most successful trade negotiations in history.

RECESS

Mr. HUMPHREY. Madam President, if there is no further business to come before the Senate, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 41 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, March 11, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the President March 10 (legislative day of March 9), 1964:

U.S. ADVISORY COMMISSION ON INFORMATION

Frank Stanton, of New York, to be a member of the U.S. Advisory Commission on Information for a term of 3 years expiring January 27, 1967, and until his successor has been appointed and qualified.

Dorothy B. Chandler, of California, to be a member of the U.S. Advisory Commission on Information for a term of 3 years expiring January 27, 1967, and until her successor has been appointed and qualified.

COMMISSIONER OF THE DISTRICT OF COLUMBIA

Walter N. Tobriner, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of 3 years, and until his successor is appointed and qualified. (Reappointment.)

FEDERAL RESERVE SYSTEM

James Louis Robertson, of Nebraska, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1964. (Reappointment.)

INTERSTATE COMMERCE COMMISSION

Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970, vice Clyde E. Herring, term expired.

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970. (Reappointment.)

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 10, 1964

The House met at 12 o'clock noon.

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

II Timothy 4: 17: *Nothwithstanding the Lord stood with me.*

Eternal and ever-blessed God, in these days of crisis and confusion, may we be endowed with that insight and inspiration which will make us capable of the noblest thoughts and the most courageous actions.

Help us to understand that we cannot remain strong and steadfast amid all the pressures of life unless we have a vivid and vital sense of Thy presence and power.

We humbly confess that we are daily holding council together to consider what is best for our beloved country, but our efforts often seem so futile and fruitless.

Grant that we may be sensitive and attentive to the guidance of Thy spirit as we seek to know what kind of legislation will be most helpful in lifting humanity to new and higher levels of peace and happiness.

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

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 72. Concurrent resolution relative to the death of His Majesty, King Paul of Greece.

DOCTORS OF VETERINARY MEDICINE IN THE ARMED SERVICES

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

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

There was no objection.

Mr. PRICE. Mr. Speaker, I have today introduced a bill to remove certain inequities pertaining to veterinarians of the uniformed services. My bill would amend titles 10 and 37, United States Code, so as to provide authorization of 4 years' constructive service credit to veterinary officers now on active duty with the uniformed services and to those veterinarians hereinafter appointed veterinary officers. In addition, the 4 years' service credit would be counted for promotion and seniority, in computing service for basic pay, and as a multiplier in determining retirement pay after completion of 20 years' active duty.

To understand the need for this legislation and the importance of the veterinarian in the military services, I think it is essential to list briefly certain functions of the veterinary officer. These activities, among others, include: food inspection; control of animal diseases transmissible to man; research in all projects involving food or animals; experiments in the field of nuclear energy to determine the effects of radiation on animals, and by extrapolation, upon man; experimental research involving food preserved by radiation, and biological research in passive defense.

It should also be noted that under present law, Public Law 83–459, the constructive service credit for veterinary officers is 3 years, as compared to 5 years' and 4 years' service credit for medical and dental officers respectively, as authorized by Public Law 84–497. Furthermore, veterinary officers may not count their constructive service credit, as medical and dental officers are permitted under Public Law 84–497, for promotion and seniority, in computing basic pay, and as a multiplier in determining retirement pay after 20 years' active duty.

The purpose of the proposed legislation is simply to do away with these discrepancies, and provide an additional year of constructive service credit for the veterinary officer.

SHEER HYPOCRISY

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

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

There was no objection.

Mr. HARSHA. Mr. Speaker, tomorrow, the House will consider modernization of the Federal salary systems. One of the most ridiculous provisions of this act is to provide salary increases for Members of Congress in the amount of $10,000.

This is sheer hypocrisy. We have promised the American people that this Government will cut expenditures. Many pious pleas were made on this floor advocating the tax cut, but at the same time, stating that expenditures must be held down to make the tax cut an effective one.

What is to become of those promises now? Were they mere idle words to lull the American voter into a false sense of security? To say the least, raising congressional salaries by 44 percent is breaking faith with the American taxpayer.

This is certainly an unwarranted and unconscionable increase, and represents fiscal irresponsibility at its worst.

The average American wage and salary earner has an annual income of $5,000, and to increase congressional salaries by twice that annual wage is blasphemous.

What about the poor social security pensioner who is expected to live on a monthly stipend of $73?

My office is constantly flooded with mail from these people asking for a modest increase; yet, we fail to heed their requests, and now we propose to increase our own salary by 44 percent. Who do we think we are kidding?

The postal employees and classified civil service employees were promised an increase in 1962, after a comparability study. That study indicates they are entitled to a raise, and I support that part of the bill. But, to raise the executive branch, judicial branch, and legislative offices by such ridiculous sums, I cannot stomach.

I fail to comprehend the logic of Congress in advocating economy and tax reduction and encouraging labor and industry to hold the line on wages and prices, on the one hand, then with the other, raise the salaries of elected and appointed Federal officials by such an excessive amount.

I shall offer an amendment to strike salary increases from the bill for Members of Congress, the executive branch and the judiciary branch.

THE DEATH OF HIS MAJESTY, KING PAUL OF GREECE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 72) relative to the death of His Majesty, King Paul of Greece.

The Clerk read the concurrent resolution, as follows:

Whereas with the death of King Paul, Greece has lost a great ruler who led his country from the terrors of Civil War to peace and increasing prosperity;

Whereas King Paul ruled as a wise and gracious constitutional monarch and maintained and furthered his country's ancient and powerful democratic traditions;

Whereas King Paul led his country into close alliance with the United States of America and with the other freedom-loving countries of Europe;

Whereas with the death of King Paul, the United States of America loses a true and understanding friend;

Whereas the people and Government of the United States hold Greece and its people in high regard and esteem, and wish the young Monarch, King Constantine, and the Government of Greece well as they face their high tasks: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That His Majesty Constantine, King of the Hellenes, Her Majesty Queen Frederika, and the Government and people of Greece be told of the heartfelt sympathy of the Congress of the United States of America in this their hour of tragedy.

SEC. 2. The Secretary of State is requested to convey this resolution to His Majesty Constantine, King of the Hellenes, Her Majesty Queen Frederika, and the Government of Greece.

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

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

The SPEAKER. The gentleman from Iowa makes the point of order that a quorum is not present.

Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 61]

Ashley	Goodling	O'Brien, Ill.
Avery	Grabowski	O'Neill
Barrett	Gray	Osmers
Bass	Green, Oreg.	Passman
Brown, Calif.	Hagan, Ga.	Pepper
Buckley	Hall	Philbin
Byrnes, Wis.	Hoffman	Powell
Cameron	Holland	Rains
Celler	Jarman	Reid, N.Y.
Clark	Joelson	Reifel
Cleveland	Jones, Ala.	Roberts, Ala.
Davis, Tenn.	Kee	St. Onge
Diggs	King, Calif.	Scott
Donohue	McDade	Sheppard
Dowdy	McDowell	Staebler
Duncan	Macdonald	Steed
Elliott	Martin, Calif.	Thompson, N.J.
Ellsworth	Mathias	Weaver
Finnegan	Meader	White
Flynt	Miller, N.Y.	Willis
Frelinghuysen	Murray	Wyman
Giaimo	Nelsen	
Glenn	Norblad	

The SPEAKER. On this rollcall 365 Members have answered to their names, a quorum.

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

PRAYER IN PUBLIC SCHOOLS

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

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

There was no objection.

Mr. BECKER. Mr. Speaker, there are now 160 signatures on discharge petition No. 3, known as the prayer amendment to the Constitution. I am sorry Members are getting so much mail complaining about it; on the other hand, I am very happy that the people of this Nation are very much disturbed over the fact that prayer and the reading of the Bible have been removed from the public schools. I think they are more discouraged because recently many of the high schools throughout the country are having trouble in their commencement exercises in connection with the usual invocation and benediction. Protests are

being made about this from one end of the land to the other.

It is coming to pass where you will not even be able to say "In God We Trust" or "Under God" in the public schools or high schools of this country. I think the Members of the House have an opportunity now to show the same courage the Speaker showed, after the Supreme Court made that decision, in putting that motto up there over the dais in the House of Representatives, "In God We Trust." I urge you to sign this petition now and get this legislation on the road.

ESTABLISHMENT OF PUBLIC LAND LAW REVIEW COMMISSION

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 642 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interior and Insular Affairs now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervention motion except one motion to recommit with or without instructions.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the minority, to the gentlewoman from New York [Mrs. ST. GEORGE], and pending that I yield myself such time as I may consume.

In brief, Mr. Speaker, and I shall be very brief, this is a bill which would set up a commission of some 19 members to study the question of public lands in this country and to make suitable recommendations as a result of that study for the administration of the public lands and possibly for disposal of some public lands unnecessarily held by the Government, and for other purposes.

Mr. Speaker, I am very much interested in this matter. I think it is something that is long overdue. It is estimated that more than 18 million acres of land are owned by the Federal Government. I am satisfied that much of that land, or at least a substantial portion of it, is not necessary for the use of the Government and, therefore, could be disposed of to good purpose.

Mr. Speaker, I think, if I might have the attention of those who are interested in this matter, I would like to call attention to the fact that some years ago, I was out in the West as a member of the National Forest Conservation Commission looking over some of our national forests. I had been discussing with my host, one of the foresters of that area, the question that I have discussed frequently on this floor, namely, the enormous public debt. My host pointed across the Golden Gate Bridge to several hundred acres of beautiful land lying over there that was acquired early in the history of this country by the War Department in the interest of national defense to protect the Golden Gate. He remarked, If you are interested in retiring the national debt, you could make a good start by the Government disposing of that land which is very much in demand in that vicinity for housing and for other purposes and which would bring a considerable revenue.

Mr. Speaker, this bill is sponsored by the very able and very efficient gentleman, the chairman of the committee, the gentleman from Colorado [Mr. ASPINALL] who always does a good job when he is entrusted to legislate.

I think that much good can come out of the enactment of this bill, and I hope the resolution will be adopted. I know of no opposition to the rule and I hope the bill, in turn, will be adopted.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentlewoman from New York [Mrs. ST. GEORGE].

Mrs. ST. GEORGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, House Resolution 642, makes in order the consideration of the bill, H.R. 8070. I know of no objection to the rule.

I think we are all agreed that our public lands have been exploited and that something should be done for their protection. But there are certain objections I think I should call to the attention of the House.

First of all, in the minority report, and there is a very brief minority report, I think the matter is very succinctly described in these words:

The proposed commission of 19 members, numerous liaison officers representing unspecified Federal departments and independent agencies, and an advisory council of 25 additional members, plus 50 Governors' representatives, would represent an unwieldy group of conflicting interests for the purpose of revising our public land laws.

This, I think, Mr. Speaker, is something we should consider. The rule is an open rule. The bill can be amended and it would seem that possibly this enormous commission could, perhaps, be brought down to, shall we say, a less unwieldy size.

Some of us have been fearful for some time that gradually our country is becoming governed entirely by commissions.

Commissions are necessary. In some instances they are useful. They have done a useful job in the past. Now, it seems, we turn to them for everything.

Some Members of Congress will serve on this commission, and that certainly is as it should be. The Members of Congress, at least, will not cause great expense, because I note the report provides that the Members of Congress who are members of the commission shall serve without compensation in addition to that received for their services as Members of Congress. That is all to the good. They should serve without added compensation.

On the other hand, the members to be appointed by the President each shall receive $50 per diem when engaged in the actual performance of duties vested in the commission, plus a reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties. This is, of course, quite usual, but when considering a commission of this size we must realize it will amount to a considerable sum.

I also wish to point out that the bill will cost $4 million and this item is not in the budget. Here again we are going overboard; after saying that we do not want to spend money, that we want to retrench, that we want to economize. Since making that statement and since voting on that premise for the tax cut, we have done nothing, so far as I can observe, on the floor of the House except to add to the national deficit and add to the budget.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to my friend the gentleman from Iowa.

Mr. GROSS. I thank the gentlewoman. What about the Governor's representatives? Will they be paid?

Mrs. ST. GEORGE. I presume they will be paid on the same basis as the Presidential appointees. Let me check to see exactly what they will get.

Nothing is said about their compensation in the report. I have not looked at the bill, but I have read the report.

Mr. SAYLOR. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I am happy to tell the gentlewoman that only those appointed by the President and the person selected, representing the Members of the House and of the Senate, who will be the actual manager or comptroller and will be in charge of this program, will be paid. Then the pay will only be for the days worked.

Mrs. ST. GEORGE. I understand that. I said to the gentleman that the Members of Congress are not to be paid anything in addition.

Mr. SAYLOR. The Members of Congress are not to be paid.

Mrs. ST. GEORGE. No. Are the persons to be employed through the Governors to receive no compensation at all?

Mr. SAYLOR. They are to receive no compensation at all.

Mrs. ST. GEORGE. I thank the gentleman for that statement because that brings it more into line.

Mr. Speaker, I know of no objection whatsoever to the rule. I have called

the attention of the House to the provisions of the bill itself to which there may be objection. I believe we should carefully consider the adding of $4 million to the budget, as well as the size of the commission.

Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. ARENDS].

CATTLE PRICES

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, to include extraneous matter, and to speak out of order.

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

There was no objection.

Mr. ARENDS. Mr. Speaker, 11 years ago, as a U.S. Senator from Texas, Lyndon B. Johnson was much more concerned with cattle prices than he seems to be today as President. On May 27, 1953, he placed the following statement in the CONGRESSIONAL RECORD:

> There is growing concern among the cattlemen of Texas over the continuing downward trend of cattle prices. Many of these cattlemen of my State, especially those with relatively small herds and no other source of income, are facing economic ruin. Yet there seems little general recognition of this fact.

The problems confronting the livestock industry today are even more serious. Back in 1953, it was drought which forced heavy marketings of cattle from the range country at depressed prices. Now it is recordbreaking importations of beef and veal, coupled with the delayed action results of the Government's own corn dumping program of 1961–62, which have wrecked the cattle market.

On Monday of this week, choice steers brought $22.75 per hundred pounds in Chicago—down $2 per hundred from a year ago and $6 less than for the same date in 1961. In recent weeks, heavy prime steers sold at the lowest levels since OPA controls were ended 18 years ago.

Many cattle feeders lost from $20 to $50 per head on every steer they marketed in recent months. This, naturally, has sharply depressed prices for feeder cattle. The fallout is also felt in the dairying areas of the country. Cows which would have been culled and shipped to the packinghouse, if beef prices were favorable, are instead kept in the herd, contributing further to Secretary Orville Freeman's already more than ample supply of dairy products. Many cattle feeders who grow their own corn are preparing to deliver it to the Department of Agriculture under the loan program, rather than utilize it on the farm.

All of this was predictable and, in fact, many of us from the Corn Belt did predict what would happen after Mr. Freeman began his corn-dumping program. On February 1, 1962, I said here in the House:

> Since October 1, CCC has been dumping corn into the marketplace at the fantastic rate of more than 100 million bushels each month.
>
> Congress must call a halt to the Government's present feed grain sales policies before the Nation's farm marketing system is completely wrecked.
>
> The current mess in agriculture embraces not only the feed grains area. It includes wheat, cotton, the entire poultry industry and the dairy industry, to list only a few. It may well include the hog and cattle segments of agriculture before the year ends. The Government's policy of making vast stores of feed grains readily available at bargain basement prices can only encourage unsound expansion in livestock numbers and a subsequent price collapse.

Now the collapse has come and it has been further aggravated by the failure of the Administration to take effective action against mounting imports of foreign beef. In fact, the so-called voluntary agreements recently concluded with Australia, New Zealand, and Ireland actually insure that by 1966 beef and veal importations will reach a new record high.

Last year about 11 percent of the beef consumed in the United States was produced abroad. The effects of this are being felt not only by cattle and ranchers but by cash grain growers, as well. It has been estimated that if the meats imported into the United States in 1963 had been produced here instead, about 200 million bushels of our feed grain surplus would have been utilized in the process.

Adding insult to injury, Secretary of Commerce Luther H. Hodges, speaking in Fargo, N. Dak., advised American cattlemen to quit "whining" about beef imports and get to work selling beef to other countries. What the Secretary apparently does not realize is that virtually all of the countries where American beef might be in demand have import levies and quotas designed to protect their own producers from outside competition. There is a strong trend in the Common Market countries, for example, toward tighter restrictions on agricultural imports.

The United States is less protectionist on farm imports than any other major industrial nation. Trade between nations should be a two-way street, however. It is becoming increasingly evident—as witness the recent meat import agreements—that we are being "outnegotiated" on the agricultural trade front.

Net income of American farmers declined by $340 million last year and a further drop of more than $600 million is forecast for 1964. In view of this, it seems to me that the Johnson administration should be thinking more about the problems confronting American farmers and less about the plight of farmers in other countries. Obviously the tariff negotiations of other nations are thinking of their own producers first.

The cattle industry is the largest single source of U.S. farm income. Today it is a sick industry. Many cattlemen, especially the smaller ones, are in deep financial trouble. Their difficulties may become even worse. None of this had to happen. The problems of American cattlemen have been brought on primarily by the feed grain programs of the Department of Agriculture and the tariff policies of the State Department.

The time has come for Congress to tighten import restrictions on foreign beef and veal. Obviously the administration will not act to protect the cattle industry.

I insert in the RECORD an article from the Farm Bureau News of March 2, 1964, which bears on the situation confronting the cattle industry:

FARM BUREAU CALLS MEAT AGREEMENTS "BETRAYAL" OF U.S. AGRICULTURE

The president of the American Farm Bureau Federation has sent a letter to Secretary of Agriculture Orville L. Freeman outlining Farm Bureau's position on the recent U.S. meat import agreements with Australia and New Zealand.

"Your telegram announcing the agreements which have been entered into with the governments of Australia and New Zealand with respect to the importation of meat, concludes with the sentence, 'Livestock producers will benefit materially and immediately,' Charles B. Shuman told the Secretary.

"I couldn't disagree with you more," he said. "Government supply management on an international scale is no better than the domestic variety which has been rejected by both the Congress and American farmers.

"As you know, we opposed from the outset proposals to deal with the meat import problem through the negotiation of a so-called commodity arrangement. We have had enough experience with international commodity agreements to know that they are worse than worthless in promoting and protecting the interests of farmers and ranchers.

"Instead of being worthy of commendation, these particular agreements amount to a betrayal of American agriculture. The effect is to give foreign competitors assurance that they will be able to increase sales in the U.S. market in the future in return for a relatively small, temporary cutback. This must come as a shocking disappointment to most of those associated with this abortive effort.

"Cattle feeders particularly have suffered from a sharp decline in prices. Your Department has estimated the 1963 decline in choice steer prices at $3.70 per hundredweight with about 50 cents of it attributable to increased meat imports and about $3.20 due to the effect of the increased meat supply produced domestically. This may or may not be an accurate appraisal.

"What has not been made clear is that the major cause of the decline in fed cattle prices has been the dumping of CCC owned stocks of feed grains in 1961 and 1962. This action artificially depressed feed grain prices and set in motion the buildup in cattle and hog numbers. Official USDA statistics reveal that corn consumption by cattle on feed in 1963 was 32.9 percent greater than in 1960. Cattlemen are now reaping the heart-breaking results of this mistaken policy, which apparently was inaugurated in a desperate attempt to make the so-called emergency feed grain program look like a success instead of the dismal failure it has been.

"As bad as the recently concluded meat agreements are in and of themselves, there is another most important and far-reaching aspect that deserves attention. Our negotiators at the upcoming trade negotiation sessions have a difficult enough job to perform in insisting on realistic reduction in trade restrictions, including nontariff restrictions, against U.S. exports. The precedent established by our Government having agreed to a meaningless commodity arrangement in the case of meat imports provides an additional burden to bear. This action has the effect of cutting the ground out from under the U.S. representatives at the following trade negotiations and constitutes a grave disservice to all farmers and ranchers in the United States."

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8070, with Mr. ABERNETHY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ASPINALL. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the legislation which the Committee on Interior and Insular Affairs brings to the Committee today is important legislation. Our committee has jurisdiction, among other things, over the public land areas of the United States, over mines and mining on public lands, and mines and mining questions and over national parks. All of the national parks which have been reserved out of the public domain come under the jurisdiction of this bill being a part of the public domain lands.

I have been a member of this committee going on 16 years. During all of that time there has been a constant conflict in the public land area between the legislative branch and its constitutional responsibility in trying to make congressional policy and the executive department in its constitutional responsibility of determining administrative policy. It is an admitted fact that when the legislative responsibility fails, when the Congress of the United States refuses to accept its responsibility, that the Executive Department then moves in and takes over. There is no other course for it to take.

Many of our problems today which are a source of irritation I think to every Member of this body, as far as I know, because practically every Member of this body has written to me about conflicting questions of jurisdiction and responsibility on public lands, which must be taken care of sooner or later. We began our Public Land Law operation with the adoption of the Northwest Ordinance. We have continued down to the present time. What we have now is a hodgepodge, legislative and administrative, of policy and no one knows exactly who has responsibility and why.

Mr. Chairman, the values that are involved in this legislation are enormous and I would call the attention of my colleagues to the fact that in one area alone, which is less than one fourteen-hundredths part of the total public domain we have values of approximately one and a third trillion dollars.

Mr. Chairman, how are we going to resolve the disposition or retention or the development of these values if Congress does not act on such matters? Most certainly the executive department must make its determinations if we do not.

Mr. Chairman, the only opposition that has been voiced against this program was the opposition that the distinguished gentlewoman from New York [Mrs. ST. GEORGE] brought to our attention and that had to do with the size of the Commission and those attached to it, as well as the complexity of the work.

Mr. Chairman, my answer to that is; that that is the reason why we are here and why we do not take care of this matter with this legislation by action of the committee that has jurisdiction over these problems. We do not have the staff, we do not have the time, and we do not have the space to take care of the tasks which confront the Congress and the American people in these problems. It is because of this that for the next few minutes I shall refer to the manuscript which I have prepared, because I wish my colleagues to understand what is involved in the public lands program of the United States.

Mr. Chairman: As the sponsor of H.R. 8070, I am particularly pleased to stand here today as the chairman of the Committee on Interior and Insular Affairs and recommend its enactment in order to provide for the establishment of a Public Land Law Review Commission. The simple objective of this bill is to provide for a long overdue comprehensive review of the public land laws of this Nation.

To indicate the magnitude of the public lands of the United States I point out that of the 769.9 million acres of federally-owned land in the United States 718.1 million acres, or 93.3 percent, are public domain. For the record, I call your attention to the fact that the public domain is land that came into Federal ownership initially and has never been transferred to non-Federal ownership.

Approximately half of the public domain of the United States is in the contiguous 48 States—that is the lower 48 as our Alaskan fellow citizens refer to—and the balance of 365.4 million acres is in Alaska; there are no public domain lands in Hawaii.

As background for this legislation—and I would like to say that Congress has been studying this very complex problem for many Congresses, that there have been bills introduced which had as their purpose heretofore of setting up some sort of a study commission—I should also like the Members to bear in mind that there are public domain lands in 30 of the 50 States ranging from insignificant amounts to millions of acres. We are sometimes staggered when reminded that approximately one-third of the total land area of the United States is owned by the Federal Government. But, the percentage of Federal land in many of the eastern States is 1 percent or less.

While the public lands are situated in over half of the States, the concentration of public domain, except for Alaska, is in the 11 western States where the economy relies heavily on the use of the public domain.

These public lands are governed today by approximately 5,000 statutes of which the Secretary of the Interior, our former colleague the Honorable Stewart L. Udall, recently said:

> Our statutory setup for administering these lands reminds me of a ghost town that time has passed by. We are being forced to use horse-and-buggy statutes in a guided-missile age.

Our first public land law was adopted by the Continental Congress in its Ordinance of 1785, providing for the sale of public lands. From then, through the early years of the Union's struggle to survive, disposition of public lands provided a ready source of revenue.

Thereafter, the public lands—which were plentiful—were used to pay soldiers for military service, and as inducements to encourage the opening and development of the West through the construction of railroads, for use as school sites, and for homesteading. Two of the most important laws in the settlement and development of public lands were the Homestead Act of 1862 and the Mining Law of 1872.

Although we have enacted specific statutes for the setting aside of national forests, national parks, and national monuments, our public land laws were and remain to this day basically laws of disposition. There are, however, no general statutory guidelines for the determination of which public lands should be retained by the Government and not be allowed to pass into non-Federal ownership.

The most recent act of wide application is the Taylor Grazing Act of 1934 which authorizes certain withdrawals in order to promote the highest use of the public lands pending its final disposal.

I think it is self-evident that our post-World War II Nation differs considerably from even the United States of 1934 and is vastly different from the time that we were developing laws designed to provide for the settlement of the West during the last half of the 19th century.

As chairman of the Committee on Interior and Insular Affairs and as the Representative of a district that has a large acreage of public lands, I have been keenly aware that the expansion of our population and of commerce and industry has created demands for the use of public lands that cannot be satisfied under existing law. Likewise, the increased leisure time of this increased population has resulted in a requirement for recreation areas.

At this point I would like to make it clear, Mr. Chairman, that I believe that some of the public lands of the United States, although not reserved under statutory authority for retention by the Federal Government, are not suitable for disposition and that provision for retention in Federal ownership will be necessary. But, let me also hasten to add that I think we must find the means to provide for the transfer of much of this public land into non-Federal ownership and provide development and, at the same time, broaden the tax base of communities affected.

Throughout the 15-plus years that I have served in Congress, during all of which I have been a member of the Interior and Insular Affairs Committee,

we have tried to cope with fragments of this problem. Republican and Democratic administrations alike have submitted Executive communications recommending modification of the public land laws in one or another respect. Some form of substantive amendment to the public land laws has been considered in each Congress since the 80th; but no major revision has been adopted.

In the 86th and 87th Congresses our Subcommittee on Public Lands held extensive hearings on and spent considerable time in discussion of legislation designed to provide for the disposal of public land for community expansion and for residential, commercial, and industrial development.

We came to the conclusion, Mr. Chairman, that this matter of public land law revision could not be handled on a piecemeal basis. The need for the retention of lands for recreation use cannot be separated from the need to provide land for private development—the rules for one procedure must be integrated with the rules for the other. Congress must face up to its constitutional responsibility "to dispose of and make all needful rules and regulations" pertaining to the public lands. We cannot allow a public land policy to be developed negatively by default of Congress; and still that is what we are doing when we allow the executive branch, without proper statutory guidelines, to decide which lands should be retained and which lands should be sold.

On October 15, 1962, as a step toward recapturing the proper role of Congress, I addressed a letter to the President of the United States soliciting the assistance of his Office to facilitate enactment of public land legislation. In his response January 17, 1963, President Kennedy outlined many of the problems facing the Federal Government in connection with its public land ownership and concurred in the "view that the system warrants comprehensive revision."

It seemed to me that the first step toward revision is find out where we stand at the present time with relation to administration of existing law. We therefore asked the Legislative Reference Service of the Library of Congress to summarize the public land laws and identify the manner in which congressional mandates were being carried out, or the manner in which the executive department has stepped in where Congress has failed to act. They estimated that a compilation of readily available legislative and executive materials alone would cost approximately $190,000 and, of course, involve the hiring of additional personnel. The library estimated that the cost would be approximately twice as much, or $380,000, to provide a study reviewing all actions of both Congress and the executive branch.

These estimates did not include the cost of an analysis of the materials compiled nor the cost of space, furniture, or office equipment.

I think it is safe to say, Mr. Chairman, from our conversations with the people at the Legislative Reference Service that a comprehensive study by that organization would cost approximately $1 million and when completed would only represent the beginnings of the study that is needed.

I considered the possibility of having either the Public Lands Subcommittee or a Special Subcommittee of the Interior Committee, with an enlarged committee staff, undertake the task of reviewing the public land laws. But the difficulty, I concluded, is that we would not be able to get the broad type of consideration that should be given to this matter.

H.R. 8070 provides for the establishment of a 19-member Commission made up of 6 Members of the House and 6 Members of the Senate plus 6 members to be appointed by the President and a Chairman to be elected by the first 18. I submit that it is the most practicable way to approach this problem and I urge adoption of the bill.

I would suggest to my colleagues that what we have endeavored to do here is to follow the guidelines and the operations of the Outdoor Recreation Resources Review Commission, which made one of the finest studies of what is going to be demanded and what is presently demanded of the United States in regard to the recreational facilities for our people. If we had not made that study, I am sure that we would have been in more difficulty today regarding this matter of recreation—the Federal Government's part in the matter, the State governments' part in the matter, the local governments' part in the matter, and the coordination of all, so that the people who are using our facilities and the people who are administering and supervising these facilities for recreation could be brought into harmony with each other—than we are.

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

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman.

On page 17 of the bill I note the Commission is authorized, without regard to the civil service laws and regulations and without regard to the Classification Act, to hire personnel. Why did you set aside the civil service laws and the Classification Act?

Mr. ASPINALL. May I say to my colleague from Iowa that this is the language that was used in the Outdoor Recreational Resources Review Commission legislation. It is in order to get the qualified talent that is necessary for the report and not tie them into the classified civil service itself.

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

Mr. ASPINALL. I yield to the gentleman from Washington.

Mr. WESTLAND. I should like to compliment my good friend from Colorado on his usual comprehensive and detailed analysis of this legislation, and compliment him also for his diligence in pursuing this subject, which is so involved. It has been a matter for study by the committee for many years. I think it has bipartisan support on the committee, as indicated by the fact that the membership on the Commission itself is completely bipartisan. I want to support this legislation. I think it is one of the good bills to come out of the committee.

Mr. ASPINALL. May I reply to my colleague from Washington that it is my hope that the President in making his appointments will keep in mind the nonpartisan aspect of this Commission.

Mr. WESTLAND. If the President will act in the same manner as the committee acted, that is what he will do; and I hope he will.

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

Mr. ASPINALL. I yield to the gentleman.

Mr. GROSS. Also on page 17, I note that the Commission is authorized to enter into contracts or agreements. I assume this means it can go out and hire consulting firms.

Mr. ASPINALL. This means, if I may reply to my colleague, the gentleman from Iowa, that here too we followed the same procedure that was set up in the Outdoor Recreational Resources Review Commission statute—the Commission may have access to specialists who can do the work at a fair price. This does away with the necessity of loading up the staff in order to take care of these particular studies that are desired.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DON H. CLAUSEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point.

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

There was no objection.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to join my colleagues in supporting H.R. 8070—a bill designed to study existing laws and procedures on public lands of the United States. The chairman, the gentleman from Oklahoma [Mr. ASPINALL] and members of the Interior and Insular Affairs Committee are to be highly commended for their leadership and consideration of this legislation. It is long overdue. There are far too many laws in conflict and redundancy prevails throughout.

In my district on the north coast of California, we are very much concerned about public land laws because of our high percentage of public land ownership. I believe this bill is a great step forward in bringing into proper perspective the complicated laws restricting the proper and orderly development of our lands. In keeping with good conservation practices, it is necessary to retain certain lands in public ownership. However, the Congress should recognize their responsibility by making a payment in lieu of taxes for lands owned within the boundaries of a local political subdivision. This payment to a school district or county would go far toward broadening the income base and at the same time promote conservation programs so urgently needed to preserve certain esthetic values throughout our great Nation. I would suggest the Public Land Review Commission give serious study and thought to this in-lieu-payment principle at an early date. Further, I would recommend that the Commission consult the public-land experts of the National Association of County

Officials to ascertain the interests and problems of this very responsible organization. States and local units of government throughout this Nation are faced with a serious dilemma in meeting their demands for public services. We at the Federal level must take the lead in doing everything possible to promote self-sufficiency at the grassroots level of government.

A proper step would be to inventory our public lands, determine which lands are needed for public purposes, consider possible exchanges to promote the conservation interests, then sell the remaining lands to our private sector. The receipts from the sale of these lands could then be applied toward the reduction of our national debt and at the same time release lands to the private sector for long-range development, thus broadening the tax base of States and local units of government, thereby enabling these political subdivisions to be more self-sufficient in their own right and less dependent on Central Government. The strength of America lies in the foundation of our Federal system—we must do everything in our power to promote this philosophy.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, and Members of the Committee, I support wholeheartedly the enactment of this bill in order to help get a bipartisan review of our public land laws underway.

Let me make it clear at the outset that this bill is not everything I hoped it would be or that it could be, but I think it is as comprehensive as we can realistically hope to get at this time. Personally, I would have preferred legislation that would have provided for the establishment of a commission with broader powers and with a charter that would enable it to study the entire fabric of our water laws as well as our public land laws because they are so intertwined that I do not believe you can study the one without the other. But, I do not have the majority of the committee with me, and I therefore support the present bill as a necessary first step in the reevaluation of natural resource management in this country.

The bill that has been brought to the floor today is better than the bill as introduced originally. It has been revised to provide for a bipartisan commission modeled after the plan of the Outdoor Recreation Resources Review Commission on which I had the honor and privilege to serve. The Commission itself will be assisted by an Advisory Council, an instrumentality that likewise was utilized with great success by the Outdoor Recreation Resources Review Commission.

Mr. Chairman, I shall not take the time of the Committee to go into the details of the bill that have been discussed by the chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL] and will be discussed by the chairman of the Subcommittee on Public Lands, the gentleman from Nevada [Mr. BARING]. I do, however, want to bring a few salient facts to your attention and emphasize the need as seen from my vantage point for a comprehensive review of the public land laws.

I have heard since coming to the floor today the comment that this bill is calling for the establishment of a commission and the expenditure of approximately $4 million and some people have thought this is a tremendous expenditure of money. I do not want anyone to believe I think the sum of $4 million is a small amount of money. But let me call your attention to several figures which have recently been published—one by the Secretary of the Interior some short time ago placing the estimated value of the surface of the public lands which are owned by the peoples of the United States at a conservative value of $320 billion. That, my friends, is equal to the national debt—this is what you, the American people own. I would like to point out one other little factor to give some idea of the amount of money that some of the public lands that you own are bringing into your Treasury.

The Bureau of Land Management has just published the figures on the receipts of revenue from the Outer Continental Shelf from 1955 until 1963.

Your Government—you, the people—has secured from this one facet of your property in that period of time $795,604,060.61 in rent. You have received in royalties from that same asset $24,858,403.36. There is in escrow, for lands that are in dispute between several of the States and the United States, the sum of $624,842,112.24. So the total amount of money involved for this one asset of yours, which we are handling, is $1,445,304,576.21. When you call upon a committee of Congress to handle that amount of money, I believe it behooves you to look as well at the amount we are asking you to spend to make this Commission possible to survey and determine what are the laws which govern the handling of this property, and what our future policy should be with regard to the lands you the people of the United States own.

Mr. ASPINALL. Mr. Chairman, will my colleague the gentleman from Pennsylvania yield?

Mr. SAYLOR. I am happy to yield to the chairman of the full committee.

Mr. ASPINALL. I feel that perhaps some of our colleagues may have noted a difference between the figure of 1⅓ trillion which I used and the $320 billion figure used by the gentleman from Pennsylvania.

I was referring to the oil shale deposits to be found on the public domain in Colorado, Wyoming, and Utah; and it is estimated that there are available in that area 1⅓ trillion barrels of oil, for use at some time in the future. This, of course, is a subsurface value.

I bring this out, because our question is: Who is to make the decision as to how these are to be handled or disposed of, leased, and so forth? Is that to be done by administrative action, as it is done at the present time, or should Congress have something to say about the treatment of assets of such an enormous value.

Mr. SAYLOR. I thank the chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL].

One of the questions we must decide today is whether we shall continue to permit the executive branch of Government, and the executive agencies downtown to make all the decisions with regard to our public lands or whether we shall measure up to the responsibilities placed upon us by the Constitution of the United States.

Article 4, section 3 provides:

> The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

What this bill does is authorize a Commission to study the present laws and regulations and make broad recommendations as to what our policy should be in the future so that Congress can properly exercise the power placed on it by the Constitution.

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

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. So long as we are kicking figures around, let us take a look at the public and private debt of this country, which, on December 31, 1963, was $1,095 billion. I wonder if, by the same logic, we ought not create a commission to tell us what to do with the public and private debt of this country. If we are just going to kick a lot of figures around in justification for this sort of thing, we might as well do that.

Mr. SAYLOR. I say to my colleague, the gentleman from Iowa, that I do not believe we are kicking figures around. If his figures had any relevance to the bill now under consideration, I would certainly support him, and if when such a bill is presented to the floor maybe such a bill will have my wholehearted support.

The gentleman from Colorado [Mr. ASPINALL] has stressed the magnitude of the public lands and emphasized that the heavy concentration of public domain is in Alaska and the 11 western continental States. But make no mistake about it: The management, the use, and the possible disposal by sale or otherwise of these public lands—which belong to all the people of the United States—is important to us in the East, and you in the North and South, as well as to those in the West.

It has been pointed out that the public domain is that land that came directly into Federal ownership and, in its purest sense, has never been in non-Federal ownership. It has further been pointed out that the United States owns within the 50 States 769.9 million acres of land, of which 718.1 million acres are public domain. Just as important, and what has not been pointed out, is the fact that the Federal Government at one time or another held title to about four-fifths of our country's gross area and that under that great body of law known as the public land laws we have transferred for non-Federal use approximately 1.1 billion acres of land.

In other words, the 718.1 million acres of public domain now remaining represent but a small portion of all the public domain that we have had. And when you deduct from this total the 365.4 million acres of public domain in Alaska

we are left with only 352.7 million acres in the continental United States, of which only 177.2 million acres are not reserved for some specific use. These federally owned public domain lands present us with the last opportunity to preplan for the use that will truly be in the highest and best public interest.

These public domain lands, both in Alaska as well as the other States, are important to the Nation because of the forestry products that come therefrom, for their wilderness values, for the oil, gas, and other minerals they yield, for the range lands they provide, for the revenue they produce in the course of their use for commercial production, for their watershed and wildlife values, and for the opportunities afforded to hunters, fishermen, hikers, and other recreationists who enjoy these lands. In addition to this we have, in the public domain, lands that remain in their primitive state and that have been preserved from commercial use, thereby affording the opportunity to scientists as well as laymen to study, or just enjoy, areas that most closely approximate the natural state in which our forefathers found this land of ours.

These land areas belong to all the American people and all the American people should share in establishing the guidelines for the future use or disposition of these public domain lands. The most significant question pressing upon us now is how to accommodate the public land laws and the use of the public lands to the needs of today.

The basic mining law of the United States governing the acquisition of land because of the presence of valuable minerals was adopted in 1872. Today, almost 100 years later, that law is still the basic law under which the discovery of a valuable mineral deposit and its development entitles the locator thereof to obtain fee title to the land at a nominal price without regard to the value, for example, of standing timber or the future use of the property as a resort. In the 87th Congress and again in this Congress I introduced legislation to modernize the mining laws and bring them into harmony with the last half of the 20th century.

The Department of the Interior has requested legislation to permit it to sell public lands that the Secretary believes are suitable for residential, commercial, or industrial purposes. Members of the Congress have from time to time sponsored legislation concerning other specific aspects of public land management and disposal.

The Committee on Interior and Insular Affairs has held hearings on several proposals over the past several years. Our conclusions are that all these various proposals must be considered together and that you cannot get a proper picture of what we are doing, and what we should do, without undertaking a comprehensive review. I concur with the committee's conclusion that such a study, by a Commission of the type that would be established by H.R. 8070, can best accomplish the task. In saying this, however, I would be remiss if I did not again allude to my earlier reference to the committee's failure to include a review of the water laws.

I do not see how the Commission is going to study the problems assigned to it without getting into the question of water, and I want the record that we make here today to show that the failure to mention water in H.R. 8070 does not preclude the Commission from studying the use and sources of water required for the use of public lands. The bill as I understand it gives to the Commission complete authority to study all the laws pertaining to the public lands which, by definition, include all surface and subsurface resources of all such lands. The Commission's inability to study the general water law problem outside the public lands in no way inhibits it from studying the laws affecting water on the public lands.

If you expect to make land available for use—whether under continued Federal ownership and management or after sale for private development—the people who come there will need water. You need water in mining operations and you need water for agricultural development. It may well be that among the criteria to be developed for determining land use will be a determination as to the availability of water. And, a determination of the availability of water involves in it a determination as to whether you have a right to obtain water for a particular tract. For land without water in most cases is valueless.

If we do not act to meet the situation that confronts us, we will have no basis for complaint if the people downtown move in and establish their own criteria, their own rules, and their own procedures concerning the retention, the use, and the management of the public lands. Piecemeal patchwork of the public land laws will not suffice. We must examine the entire structure and come to basic decisions. We must do it now.

The foundation for future action can be started hereby passing H.R. 8070 and taking a necessary step toward the establishment of a Commission so constituted that its recommendations concerning revision of the public land laws will be given recognition and, from the outset, sympathetic consideration.

After study of the pending bill in the Committee on Interior and Insular Affairs, we amended it to change the composition of the Commission. I submit that we have proposed a well-balanced body in providing for six Members of the House and six Members of the Senate together with six to be appointed by the President from among those who, by background and overall knowledge, have an understanding of the problems affecting the public lands.

Another matter I would like to call to your attention. Someone has objected to a provision in the bill which they think allows for payment for members of the advisory committee. If you will look at the bill as drafted by the committee, on page 14 you will find the following:

(c) Members of the Advisory Council shall serve without compensation, but shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the Council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Chairman.

Mrs. ST. GEORGE, speaking on the rule, called attention to a provision of the bill which appears on page 17 and states as follows:

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job of professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

The statute referred to is the conflict-of-interest statute. It is placed in this bill so that anyone who is presently serving in any one of those capacities can also be a member of the Advisory Council, or be hired by the Commission if the Commission so desires.

Now, where did this language come from? It is taken verbatim from the first and second acts passed by the Congress of the United States establishing the Hoover Commission. This language is included because the Civil Service Commission said it was necessary so that the conflict-of-interest statute would not affect people who were called upon to advise the Commission or to work for it. It does not—and I want to make the record specifically clear—I repeat "it does not" authorize any member of the Advisory Council to receive any compensation except subsistence allowance and travel pay to meetings called for that purpose.

Ladies and gentlemen of the committee, I feel that today we are establishing a landmark in the passage of this bill. It has received careful study by our committee. The chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL], has for several years discussed with me as the ranking minority member of that committee the possibility of having our own committee do this work. But because of the very magnitude of the problem, because of the fact that the statutes that are on the books, that Congress passed in a piecemeal way from the very beginning until now; from the inconsistent rulings that the Solicitors of the Interior Department have made over the years; the problem is too gigantic for any committee of Congress to handle. For that reason we come before you now with this bill.

In urging your support of this measure I assure you that your House Committee on Interior and Insular Affairs will exercise not only liaison but also surveillance over the activities of the Commission in order to make certain on the one hand that our objectives are fulfilled and on the other hand that we can respond promptly to either interim or final recommendations submitted by the Commission.

This is what a wise and prudent owner of land would do—you are the owners of that land, and I know you will support the committee.

Mr. ASPINALL. Mr. Chairman, I yield 15 minutes to the gentleman from Nevada [Mr. BARING].

Mr. BARING. Mr. Chairman, I am very pleased to have the honor to join with the chairman of the full committee in bringing before the House H.R. 8070, providing for the establishment of a Public Land Law Review Commission. The Subcommittee on Public Lands, of which I have the honor of being chairman, not only held extensive hearings during this Congress on this specific legislation but also has held extensive hearings on related public lands, matters that underscore the need for a thoroughgoing comprehensive review of the public land laws.

We are at a crossroads in determination of public land policy. We have a choice: Congress can abdicate completely or we can take action to provide for necessary revision of the public land laws.

Our conclusion, which we recommend for your favorable consideration today, is that Congress take affirmative action in this field and that we lay the foundation for proper revision by creating a congressionally controlled commission with broad public representation which can review the existing situation, study the needs of the future, and make recommendations to the Congress for the enactment of legislation necessary to carry out these recommendations.

The gentleman from Colorado [Mr. ASPINALL] has outlined the background need for revision of the public land laws. I shall not duplicate what he has said. I want the record to show that I associate myself with his remarks for which reason I, too, sponsored a companion (H.R. 8071) to the bill on the floor today. I would like to take just a few minutes to discuss the committee's consideration and action on this legislation.

First and foremost, I think that it should be made perfectly clear that in the hearings held by the Subcommittee on Public Lands nobody appeared to say that the public land laws should not be revised. Representatives of the executive departments, representatives of industry groups, representatives of conservation organizations, and representatives of the users of the public domain all endorsed in principle establishment of an independent body to study the revision of the public land laws.

The chief points of interest that developed in the testimony related to the proposed composition of the Commission and its power to compel the production of records through the use of the subpena power.

A large majority of those appearing before the committee recommended that there should be no representatives of the executive branch of the Government on the Commission. While some thought that the Commission should be limited to Members of the House and Senate, and one organization recommended that no Members be included from either the legislative or executive branches, the majority supported a Commission made up of Members of the House and Senate plus persons to be appointed by the President from non-Government public life.

We have agreed on the wisdom of these recommendations and the bill H.R. 8070, before you today provides for a 19-member, bipartisan Commission composed of 6 members of the House Committee on Interior and Insular Affairs—3 majority and 3 minority—to be appointed by the Speaker, 6 members of the Senate Committee on Interior and Insular Affairs—again evenly divided, 3 majority and 3 minority—to be appointed by the President of the Senate, 6 members to be appointed by the President of the United States and the Chairman of the Commission who would be elected by the majority vote of the 18 first appointed. We have provided for the chairman of the Commission to be a full-time job because we think that it will take the full time of any person who is going to give it the proper attention.

While all other members of the Commission will serve without pay and receive only a per diem and travel expenses when actually serving, the Commission will be authorized to set the salary of the Chairman, thereby assuring the opportunity of obtaining the best person for the task.

We have also, of course, provided ample authority for the Commission to hire professional and clerical staff personnel. And, while we have included a limitation on the overall appropriations to be made for the Commission's study, we believe the $4 million that would be authorized would be ample for the purpose.

With regard to the other focal point of discussion by witnesses appearing before the committee, we have curtailed the authority that would be granted to issue subpenas to compel the attendance and testimony of witnesses and the production of records. We have, however, given the Commission itself authority to issue such subpenas provided that it would not require the presence of the parties subpenaed at a hearing to be held outside a State wherein the witness is found, or resides, or transacts business. We have provided further that if the witness submits material on a confidential basis, the Commission shall not make the material public. We have further provided that if the Commission obtains material from any agency of Government and the material had previously been submitted on a confidential basis, and the confidentiality of those materials is protected by statute, the materials so produced shall be held confidential by the Commission. We submit that these are fair and equitable solutions to sensitive problems.

Let me call to your attention a few other salient points in this legislation. First of all, the bill and its declaration of policy establishes as a guideline for the Commission that it is to be the policy of the Congress that the public lands of the United States shall be either retained and managed as Federal property or, in the alternative, disposed of, all in a manner to provide the maximum benefit for the general public. And, as stated in the committee report which I filed on H.R. 8070, the committee has taken no position as to these alternatives which are exclusively within the scope of recommendations to be made by the Commission.

We have assured that the Commission will receive necessary assistance, guidance, and advice by providing for, first, departmental liaison officers to be appointed to represent each Federal department or agency which has any interest in or responsibility with respect to the use of the public lands; second, an advisory council composed of the Federal agency liaison officer together with 25 additional members to be appointed by the Commission from among the various major citizen groups interested in the problems relating to the public lands; and third, representatives from each of the States to be chosen by the Governor to work with the Commission.

In addition to limiting the funds that may be appropriated for use by the Commission that I indicated a moment ago, we have also put a time limit in the bill for the conclusion of the Commission's work. We have specified that it must submit its report to the President and the Congress not later than December 31, 1967, and go out of business 6 months thereafter. During the 3-year period the study is being made, there would be direct and continuous liaison between your Committee on Interior and Insular Affairs and the Commission by virtue of the six members of the committee that would be serving on the Commission, thereby enabling us, if necessary, to act quickly in the event legislation affecting the public lands is required before the final report is submitted.

Mr. Chairman, as indicated by the gentleman from Colorado [Mr. ASPINALL], the review that we propose be made of the public land laws is long overdue. I urge adoption of H.R. 8070 so that we may proceed to make that study.

Mr. SAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. WHARTON].

Mr. WHARTON. Mr. Chairman, in this debate there should be a place for the Devil's Advocate. We should look at all sides of the problem here and consider this matter very carefully.

First, I wish to pay tribute to our chairman, our very distinguished chairman, and in doing so I at the same time wish to outline my line of reasoning as to this proposed legislation.

In our chairman we have one of the most distinguished authorities and capable lawyers on the subject of land management and various problems that come before our committee from the country today. By the same token, it is my thought that the House Committee on Interior and Insular Affairs and the Senate Committee as well are most ably qualified to handle the matters outlined in this bill.

Specifically, I desire to call your attention to page 10 of the bill. The declarations are outlined as follows, and this is very proper and it is very concisely stated:

First. A comprehensive review of those laws, rules, and regulations relating to land management.

Second. To determine whether and to what extent revisions thereof are necessary.

That is all there is to it.

This Commission is not to recodify the land laws or anything of that kind. Contrary to some intimations here, it is not to provide for the sale of public land. As our chairman has already outlined,

the sale of public land has been carried on since the Continental Congress, and there are many laws. Possibly the laws are too complicated, but that is not going to be decided by the proposed Commission.

Let me point out to you the reasons why. It has been stated that the Congress must face up to the situation. That is a very true statement. And may I point out this commission primarily is composed of 12 Members of the Congress, 6 from the House and 6 from the Senate.

It has been said that this problem is too gigantic for the House and Senate to handle. We need a large committee of a hundred individuals to handle this enormous problem, it is stated. If it is too gigantic for the House and the Senate to handle, why, then, are 12 of our Members appointed to this commission, which will consume the time of their regular duties? I think that is a pertinent point to answer.

In addition, I would like to point out what a member of the Rules Committee stated, namely, that this item has not been budgeted. It is a $4 million item and in connection therewith it is also interesting to note that the life of this commission will be approximately 4 years. It will not terminate at this coming presidential election. It will terminate just before the next following presidential election. Four years is a long time, and with the staff that is contemplated, the extent of the figures and the buildup thereof, very obviously there will be a request for additional funds before the 4 years is up.

I think the records of the committees by and large, if we had a list of all committees that have worked along operations of this kind, would be rather a sorry spectacle. I do not think at the end of 4 years anything will have been accomplished when this proposed committee of about 100 reports back its comprehensive review. They are not going to determine anything. That will still be up to the Congress.

I intend to vote against this bill, and I trust we will be able to express ourselves by a record vote at this time.

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

Mr. WHARTON. I yield to the gentleman from Missouri.

Mr. CURTIS. I was quite interested in the gentleman's minority views, and also those expressed here. Would the gentleman develop just a little bit more, if he can, why it is your committee cannot go forward and do the work that this bill suggests a commission do? It would seem to me that that should be a sine qua non, that there should be some reason why the committee cannot do this work and therefore needs this commission. Can the gentleman give us a reason, if there is a reason?

Mr. WHARTON. I think the gentleman and I agree on that. I do not know how I could state it any more clearly. Of course, we have the Senate committee on the same subject. The House committee is a very capable one. I do not know where we could find a better man than our own chairman. I do not know if it is complimentary to say that the committee of 100 which would be set up could be more capable.

Mr. CURTIS. I appreciate the facts are that our committee could do this. The question I have raised is really one as to why the committee itself feels this way. I have not yet finished reading the committee report, and I may be a little bit premature in asking the question. It may be set out here.

Mr. WHARTON. I think the gentleman is familiar with the fact that the committee holds hearings on these matters at all times during the session.

Mr. SAYLOR. Mr. Chairman, I yield 13 minutes to the gentleman from Iowa [Mr. KYL.]

Mr. KYL. Mr. Chairman, I think in the first instance it is important that we realize that this is not a picayunish matter, because we are here concerned with approximately one-third of the entire area of the 50 States of the United States. This in itself gives some indication of why we have to have some special means of taking care of the problem.

The gentleman from Missouri poses a question. His State is about the same size as mine. The public lands of the United States amount to an area 23 times the size of the State of Iowa. This is not a little matter.

In Iowa and in Missouri and in some of the eastern States we are not often concerned with problems of public lands because we do not have many of these acres in our area, but I assure you that in some areas of the United States this is a matter of existence, a matter of life and death.

Suppose you are a city official of a city like Las Vegas, Nev. Your city has an expanding population. The city boundaries have grown right out to that Government land which surrounds your city. You need some of that land so that your city can expand, but there is no provision in law under which you can acquire this land, no provision whatsoever for giving you the few acres that you need for expansion of Las Vegas or whatever city you have in mind.

If you do not have some set policy this policy can be changed by each administrator in the Department, almost as a matter of whim. I would also remind my colleagues that this particular type of activity is fraught with interest for every Member of the Congress, for if it seems to the average of our 180 million citizens that we are giving that city something that belongs to all the citizens, immediately we are charged with giving away our birthright, our land that belongs to every citizen. This thing is important in certain areas of the country now. It is of very great significance. But it is for the future, a problem for all citizens of this country.

What happens if we take this up bit by bit, if we do not get an overall picture of it? Then we shall witness this perpetual conflict of interest which we have, instead of trying to find the exclusive interests where they are necessary and instead of developing compatible uses of this vast area where that is possible.

I think it would be advisable to see what the alternatives to this approach are. First of all, we can do nothing. We can just let the thing go on as it has.

Remember, the chairman pointed out we have over 5,000 laws now governing this particular area of jurisdiction. These laws provide a conflict and inconsistency and a duplication. The citizens, the industries and the areas where there are public lands do not know from one year to the other what the policy is. They do not know what their rights are. They do not know what their responsibilities are. The States have many problems which cannot be resolved bit by bit. The bureaus themselves, the Bureau of Mines and the Bureau of Land Management, and so on, because there is such an infirm base and such an inconsistent base from which to operate, become less than efficient. There is a natural decay which sets in because they do not have any logical base from which to operate. Unless we have an overall review of this entire subject, there is no way that we can give the administrator of these public lands the kind of base of operations that they need. We find if we do not do something of this sort, these administrative changes are still possible and we do not know from year to year what is happening.

Secondly, we could build up the staff of the Interior Committee to do this work. I suppose we could. Let us look at this for just a moment since the point has been raised pointedly.

The Committee on the Interior of the House of Representatives has the 10 members on its staff which were provided for under the 1946 Reorganization Act. We have six clerks and four members of the counseling staff. You can contrast this with some committees of the House which have as many as 53 staff members. Talk about the expense of a commission. You do not hire these 53 extra staff members for investigative purposes for nothing. They do not come for peanuts. When they get rid of this job, then the 53 staff members—you can bet your bottom dollar—remain on the payroll to do another and another and still another job. Not so with the staff of this committee because when this job is done the Commission ends.

What else happens when you provide only a kind of program through committee activity? Right now this House has a tremendous problem which lies in the fact that the staff is doing a lot of work that Members of Congress ought to be doing. We have such completely incomprehensible things as this going on. A committee chairman hires an economic expert for a committee. He is a staff member. Then the chairman brings that member in to testify in favor of legislation before the committee. This is not the way to proceed in trying to solve this problem. If we leave it up to this second alternative, we are going to have duplication of effort in many committees of the House and between the committees in the House and the Senate. We are not going to get the job done. We are never going to give adequate voice to the States.

What does the State get into on this? If you check the hearings, you will find out that some States like Nevada, 85 percent of the land area of the State is owned by the Federal Government. You can imagine putting yourself in the place of a Governor and the tax experts in a State where 85 percent of the land belongs to the Federal Government. How are you going to get the money to operate your State? To what alternatives besides property taxes and industrial taxes do you turn to get the funds to operate your State? So you see we cannot give adequate voice to the States and we cannot give adequate voice to the people whose livelihood depends on using these public lands. What do we do with the grazers? We let them come into the committee and testify. Most of the time one of them testifies and then includes the rest of the remarks in the RECORD where they are buried and nobody pays any more attention to it. When miners come in every year to testify, they put all the stuff in a pile and put it in the RECORD and the voice is not adequate.

This, of course, is important to the Nation. Contrary to many widely held beliefs, the people who use the public lands are not robber barons out to see how much they can exploit the citizens of the United States. They want to do what is right, but under present conditions they cannot do what is right always because they do not even know what the policies are. So, we get to this business of the Commission itself. First, let me say this is not a regulatory commission. The first gentlewoman who spoke this afternoon indicated this was another FCC or Interstate Commerce Commission or something of that sort. This is not a regulatory agency. This is a Commission to study a big problem in the Federal Government to see what we can do about it.

So far as I am concerned, I believe this is one reform of the Congress we might use, and apply more generally. Usually when someone talks of congressional reform it is because there are groups of people who are "out" who want "in," or who have a specific political purpose they wish to achieve, so they seek some reform in the organizations of Congress, in the Rules Committee or in other procedures.

The Commission idea offers a genuine reform with great merit. This is why: We start out by trying to assess the needs.

We should remember that the heart of the Commission is legislative, with six Members from the House and six Members from the Senate. In addition, we call on the best brains in the mining industry, in the grazing industry, and from the economics departments of our universities. These people will work day after day with the Members of Congress to try to develop the kind of information needed to establish what courses of action should be taken and how they should be taken.

We will include the States, so that each State will have a voice. The States will be full partners. Their needs will be heard, and proper procedures can be developed. We would include the administrative branch. They are the people who administer these programs, and they know a lot of the administrative problems which never occur to us. They must deal with the problems day by day. This is a valuable adjunct.

When we get through, what will we have? We will have recommendations drawn up by this Commission, which are in nature bipartisan, because the members work side by side. We will not have political interference, which we might have when the administration proposes something to the Congress or the Congress proposes something to the administration. Politics, to a large extent, will be avoided, because we will reach areas of agreement. We will remove the politics.

Furthermore, we will remove the conflict between the House and the Senate, because Members of both bodies will be involved.

We will remove the conflict which administratively exists between departments downtown and the Congress, because the administration will be involved.

There will be recommendations which can be presented to the Congress which, because they will be of less debatable nature, because they will be based firmly on all the information that can be developed from all sources, will make up a tailor-made program. They can be presented to the House and to the Senate, and we will have a reasonable assurance that if passed by the Congress they will be approved, because the administration is involved in this program.

Someone suggested that perhaps we should set up a commission to study debt management. I believe that is an excellent suggestion. As a matter of reform, we could have Members of the House and of the Senate sit down with members of the administration and the best banking brains and economic brains in the country. They would work together in exactly this fashion to come up with some actions to be taken, which so far we have not been able to get.

Consider the problem of tax reform. This is a huge area in which the commission idea certainly could be of benefit.

The one legislative commission we have had in the history of the Congress is the one which was established to deal with the problem of outdoor recreation and resources. I believe that of all the techniques we have sought to use and have used in the past many years this device has proved to be absolutely the most effective and the most efficient.

I believe this is a good approach. The subject certainly warrants the kind of attention we are giving to it. The leadership of the Commission is certainly the kind we want in charge of this sort of program.

This is a good bill, and should be passed.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Utah [Mr. BURTON].

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

The CHAIRMAN. The Chair will count. [After counting.] Eighty-two Members are present, not a quorum.

The Clerk will call the roll.

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

[Roll No. 62]

Ashley	Grabowski	O'Brien, Ill.
Auchincloss	Green, Oreg.	O'Neill
Ayres	Hall	Osmers
Bass	Hanna	Passman
Berry	Harsha	Pepper
Brown, Calif.	Hoffman	Philbin
Buckley	Holland	Powell
Cameron	Jarman	Rains
Carey	Kee	Reifel
Celler	King, Calif.	Roberts, Ala.
Cleveland	Kornegay	St Germain
Davis, Tenn.	McDade	St. Onge
Diggs	McDowell	Schwengel
Donohue	Macdonald	Scott
Dorn	Madden	Sheppard
Dowdy	Mailliard	Staebler
Duncan	Martin, Nebr.	Steed
Elliott	Mathias	Stratton
Ellsworth	Meader	Thompson, N.J.
Flynt	Miller, N.Y.	Weaver
Frelinghuysen	Morse	Williams
Fuqua	Murray	Wilson,
Glenn	Nelsen	Charles H.
Goodling	Norblad	Wyman

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8070, and finding itself without a quorum, he had directed the roll to be called, when 359 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Utah.

Mr. BURTON of Utah. Mr. Chairman, in the humble judgment of this freshman, this piece of legislation could be one of the most far reaching and significant matters this House will act on during this present session. In the case of the State of Utah it could well be the most important one we will act on in this session.

I wonder if my colleagues realize that if you took all of the State sections of land in all of the States, together with all of the private sections of land, you would have 17 million acres, but the Federal Government owns nearly 35 million acres of land in Utah, more than twice as much as all the non-Federal land combined. The use or lack of use of these Federal acres means the entire future of my State. How we are able to use our land is going to determine our entire economic future.

I should like to take this opportunity to commend the chairman of our full committee, the gentleman from Colorado, on the leadership he has demonstrated in shaping up this legislation and bringing it to the floor. I also want to take note of the role my own ranking Member, the gentleman from Pennsylvania [Mr. SAYLOR], has played in helping shape this legislation. The economic interests of Pennsylvania and Utah, a public land State, Pennsylvania not being one of those States, do not always coincide, but he has displayed his characteristic statesmanlike attitude on this matter, and I appreciate it.

For the benefit of the Members who are not on the committee, I reiterate that this legislation received in the committee itself the widest bipartisan support. It was not proposed or opposed on

a geographical basis, either. I urge my colleagues to join us in supporting this legislation.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. BATTIN.]

Mr. BATTIN. Mr. Chairman, I take this time to congratulate the chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL] and also the gentleman from Pennsylvania [Mr. SAYLOR], the ranking member of the committee. I have listened to the debate and I did not realize there were 5,000 laws dealing with public lands. That figure itself should be enough to convince the committee and the House that we need the Commission approach to successfully analyze the problem. I know from personal experience that when bills are considered in a committee of the House, witnesses who come here from Montana to testify have a short time to impart information and then the committee itself has to make a decision, without having the benefit of full and complete testimony from interested groups.

With the Commission approach that is outlined in this bill, each of the States who have a vital interest in public lands will have a voice in the Commission so that it will, in fact, make recommendations that come from a wide range of opinion. I think the division of the Commission members between the legislative branch, the executive branch, and the public is an excellent approach. What we need is to plan for the future and an expanding population.

I would like to ask the chairman of the committee, would it be your thought that as this Commission makes its recommendation and report that this would be the basis for future legislative action so that we could bring into focus all of the various problems involved?

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

Mr. BATTIN. I yield to the gentleman.

Mr. ASPINALL. I would put it this way. This should be the basis for the consideration of future legislation. Because I do not believe this Commission is likely to report back handmade law that Congress will accept. But the Commission will be able to recommend to us not only the problem but also their idea of the solution of the problem. Then Congress can proceed on the basis of that and we can differentiate between executive or administrative, and legislative responsibility.

Mr. BATTIN. I thank the chairman and I also appreciate the necessity of doing this. In my own State of Montana we have problems dealing with the Bureau of Land Management that probably others would not have in other sections of the country, and it is necessary that those who have the problems should be able to present them to the Commission.

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

Mr. BATTIN. I yield to the gentleman.

Mr. SAYLOR. I would concur in the statement just made by the chairman of our full committee. I do not expect that this Commission will report back to the Congress any specific legislation. I believe it will report to the Congress ground rules that the Congress should follow in enacting legislation to take care of the problems affecting the great public lands that we have.

Mr. BATTIN. I thank the gentleman. I would close by saying that the time and effort that has gone into this matter and the clearness of the debate by Members who have explained the bill is, indeed, a great credit to the committee and the committee staff and reflects the great amount of work that has gone into this legislation and has been presented to us here today.

Mr. ASPINALL. Mr. Chairman, I yield such time as he may require to the gentleman from Alaska [Mr. RIVERS].

Mr. RIVERS of Alaska. Mr. Chairman and members of the committee, as a member of the Committee on Interior and Insular Affairs, I am proud to have worked on this bill. I wish to associate myself with the remarks and the comprehensive explanation of this bill by the distinguished chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL] and also the remarks made by the chairman of the Subcommittee on Public Lands, the gentleman from Nevada [Mr. BARING] and by the ranking minority member of the committee, the gentleman from Pennsylvania [Mr. SAYLOR] and the gentleman from Iowa [Mr. KYL]. As I understand it the committee is unanimous as to the desirability of this bill, except for one of its members. The State of Alaska has as much land in the Federal public domain as all of the contiguous Western States put together, for which reason the study and review of the multiplicity of existing land laws and their clarification which is contemplated by this bill would be of great importance to Alaska. It is high time that the policies of the Federal Government with respect to its public domain lands be reviewed and administrative machinery and regulations studied and reviewed and evaluated and improved.

Mr. ASPINALL. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. O'BRIEN].

Mr. O'BRIEN of New York. Mr. Chairman, strong support has been advanced for the bill by Members from States like Utah and Montana, where the problem is grave and overriding.

I point out that though the State of New York does not have a great quantity of public land, throughout the hearings and discussions of the bill I found there was overwhelming support for it from conservation groups and from officials in the State conservation department.

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

Mr. O'BRIEN of New York. I yield to the gentleman from Arizona.

Mr. UDALL. I sponsored a bill similar to the bill now before the House. I subscribe to what the gentleman from New York has said. This is a good bill. It will do much to modernize the land laws of this country. I hope the House will pass it.

Mr. ASPINALL. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE. Mr. Chairman, I come from a State in which 64 percent of the land is owned by the Federal Government. I believe my State has as much interest in this type of legislation as has any other State in the Union.

I am a member of both the subcommittee and the full committee which formulated this legislation. I am heartily in accord with the legislation. I urge the adoption of the bill and I support it fully.

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

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

There was no objection.

Mr. LIBONATI. Mr. Chairman, the laudable purpose of H.R. 8070 establishing of a Public Land Law Review Commission to study laws and procedures relating to the administration of the public lands of the United States to correlate the same with a view of proper revision to meet the current needs and future development of their uses for the American people in the public interest, is surely needed. A Commission alone can serve the purposes intended to accomplish these merited goals. No committee of the Congress could possibly amass and analyze the tremendous research material necessary to assimilate and codify the legislative specificity under this public responsibility. Members chosen must be expert in their training in order to comprehend the proper revisions and other purposes included in H.R. 8070 provisions.

The Commission consists of 19 members selected as follows:

Three minority and majority Senate members of the Committee on Interior and Insular Affairs appointed by the President of the Senate. A similar number as above appointed by the Speaker of the House. Six members appointed by the President of the United States—excludes those holding Federal appointment within 1 year of consideration—also anyone holding an appointment or position with the executive branch of Government—time waiver not to exceed 130 days of the previous 365-day period.

The Chairman shall be elected by the 18 members. Vacancies are filled in similar manner as respective appointments. One of the members appointed by the respective appointing officer of the Congress shall be designated as a senior member. The organization meeting will be called by these senior members. Ten members are considered a quorum to do business—a lesser number may conduct hearings. Only Members of the Congress shall serve without pay, but will receive reimbursement for travel and subsistence. Others receive $50 per diem when actually performing services—also reimbursement for travel and subsistence. Twenty-five additional members will be representative of those interested in public lands.

The Commission is given full powers to carry out its purpose—subpena of witnesses and documents—not to be

served for hearing outside State of domicile—the material or testimony may be classified if procured from undisclosed or secret sources. May secure material and evidenciary facts from employees of agencies, and so forth, to be held confidential.

An appropriation of $4 million is authorized.

The all inclusive definition of public lands, reservations—excluding Indian lands—lands permanently or temporarily withdrawn, reserved or withheld from private appropriation and disposal under public land laws including mining laws, outstanding interests of the United States in lands patent, conveyed in fee or otherwise, under the public land laws, national forests, and the surface and subsurface resources of all such laws, including the disposition, restriction, or disposition of the mineral resources in lands defined by appropriate statutes, treaty or judicial determination as being under the control of the United States in the Outer Continental Shelf.

Thus the enactment of H.R. 8070 will permit a comprehensive affirmation of the policies of the United States in treating with public lands in all matters concerning the carrying out of the public interest. It is considered that a 4-year study will contribute much to the formulation of the future policy of our Government in treating with public lands and their relation to the public interest. Each agency concerned with public lands will have a liaison representative to work with the Commission staff. The Commission will file its report to the President and Congress by December 31, 1967 and ceases its functions on June 30, 1968.

The committee and its distinguished chairman, the gentleman from Colorado [Mr. ASPINALL], are to be congratulated upon its splendid approach to solve an intricate and delicate level of controversy in Government—the Department of Interior under the positive leadership of Hon. Stewart Udall have persistently sought congressional action in this area of Government operation. His action to modernize the Department of the Interior in both its operational and its improvement for the public acceptance of its facilities and purposes in the uses of lands and facilities are a credit to our national progress in the recreational services of the Department and the conservation of public lands for future generations of Americans.

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

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

There was no objection.

Mr. ALGER. Mr. Chairman, in opposing H.R. 8070, the establishment of the Public Land Law Review Commission, I adopt the position and logic of the minority views. Particularly, I would stress that the appropriate action would be for the congressional standing committees of both bodies to do this job.

I do not oppose the study of public land law, on the contrary, am for it.

The minority views state well my convictions and include the added cost of $4 million.

MINORITY VIEWS ON H.R. 8070

The proposed Commission of 19 members, numerous liaison officers representing unspecified Federal departments and independent agencies, and an advisory council of 25 additional members, plus 50 Governors' representatives, would represent an unwieldy group of conflicting interests for the purpose of revising our public land laws.

We feel that the entire period of 4 years envisioned by the provisions of the bill would be consumed in assembling a huge mass of incompatible and probably unread testimony, which would leave current problems totally unresolved at that late date.

Even assuming that the requested authorization of $4 million might prove adequate for the job, which fact may well be historically questioned, we are of the opinion that a substantial waste of public funds will be involved for a task which can better be—in fact, eventually must be—undertaken by both of our legislative bodies through the standing committees of Congress.

Mr. ASPINALL. Mr. Chairman, I have no other requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the substitute amendment of the committee, reported in the bill, which for the purpose of amendment shall be considered under the 5-minute rule as an original bill.

The Clerk read as follows:

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

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary.

COMMISSION ON PUBLIC LAND LAW REVIEW

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission, hereinafter referred to as "the Commission."

(b) The Commission shall be composed of nineteen members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of the House Committee on Interior and Insular Affairs to be appointed by the Speaker of the House of Representatives;

(iii) Six persons to be appointed by the President of the United States from among persons who at the time appointment is to be made hereunder are not, and within a period of one year immediately preceding that time have not been, officers or employees of the United States; but, the foregoing or any other provision of law notwithstanding, there may be appointed, under this paragraph, any person who is retained, designated, appointed, or employed by any instrumentality of the executive branch of the Government or by any independent agency of the United States to perform, with or without compensation, temporary duties on either a full-time or intermittent basis for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days; and

(iv) One person, elected by majority vote of the other eighteen, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Ten members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) The members appointed by the President shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall (i) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (ii) review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands; (iii) compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future; and (iv) recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy set forth in section 1 of this Act.

(b) The Commission shall, not later than December 31, 1967, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report or on June 30, 1968, whichever is earlier. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

DEPARTMENTAL LIAISON OFFICERS

SEC. 5. The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the retention, management, or disposition of the public lands to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this Act.

ADVISORY COUNCIL

SEC. 6. (a) There is hereby established an Advisory Council, which shall consist of the

liaison officers appointed under section 5 of this Act, together with 25 additional members appointed by the Commission who shall be representative of the various major citizens' groups interested in problems relating to the retention, management, and disposition of the public lands, including the following: Organizations representative of State and local government, private organizations working in the field of public land management and outdoor recreation resources and opportunities, landowners, forestry interests, livestock interests, mining interests, oil and gas interests, commercial and sport fishing interests, commercial outdoor recreation interests, industry, education, labor, and public utilities. Any vacancy occurring on the Advisory Council shall be filled in the same manner as the original appointment.

(b) The Advisory Council shall advise and counsel the Commission concerning matters within the jurisdiction of the Commission.

(c) Members of the Advisory Council shall serve without compensation, but shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the Council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Chairman.

(b) The Chairman of the Commission shall call an organization meeting of the Advisory Council as soon as practicable, a meeting of such council each six months thereafter, and a final meeting prior to approval of the final report by the Commission.

GOVERNORS' REPRESENTATIVES

SEC. 7. The Chairman of the Commission shall invite the Governor of each State to designate a representative to work closely with the Commission and its staff and with the advisory council in matters pertaining to this Act.

POWERS OF THE COMMISSION

SEC. 8. (a) The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matters which would require the presence of the parties subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or transacts business.

A witness may submit material on a confidential basis for the use of the Commission and, if so submitted, the Commission shall not make the material public. The provisions of sections 102–104, inclusive, of the Revised Statutes (2 U.S.C. 192–194) shall apply in case of any failure of any witness to comply with any subpena or testimony when summoned under this section.

(b) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this Act and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(c) If the Commission requires of any witness or of any governmental agency production of any materials which have theretofore been submitted to a government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held confidential by the Commission.

APPROPRIATIONS, EXPENSES, AND PERSONNEL

SEC. 9. (a) There are hereby authorized to be appropriated such sums, but not more than $4,000,000, as may be necessary to carry out the provisions of this Act and such moneys as may be appropriated shall be available to the Commission until expended.

(b) The Commission is authorized, without regard to the civil service laws and regulations and without regard to the Classification Act of 1949, as amended, to fix the compensation of its Chairman and appoint and fix the compensation of its staff director, and such additional personnel as may be necessary to enable it to carry out its functions except that any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege.

(c) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this Act to carry out such aspects of the review as the Commission determines can best be carried out in that manner.

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

DEFINITION OF "PUBLIC LANDS"

SEC. 10. As used in this Act, the term "public lands" includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws, (d) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws, (e) national forests, and (f) the surface and subsurface resources of all such lands, including the disposition or restriction on disposition of the mineral resources in lands defined by appropriate statute, treaty, or judicial determination as being under the control of the United States in the Outer Continental Shelf.

Mr. ASPINALL (interrupting the reading). Mr. Chairman, I ask unanimous consent that the further reading be dispensed with and that the substitute amendment be considered as read and open for amendment at any place.

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

There was no objection.

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

Mr. Chairman, as I understand the bill, it provides for a brandnew Commission in Government. One of the things Congress seems to do best is to create commissions to do the work which departments and agencies should do and committees of Congress should do. It is easier, it seems, to spend the taxpayers' money to add to the Federal bureaucracy.

The bill, as I understand it, would authorize the appropriation of $4 million. I hope someone will correct me if I do not state the fact, but I understand this is an unbudgeted item. This leads me to ask whether the President of the United States, who claims to be for frugality and economy, supports this measure?

Mr. ASPINALL. Mr. Chairman, will my colleague from Iowa yield?

Mr. GROSS. I am glad to yield to the gentleman from Colorado.

Mr. ASPINALL. In my opening statement I stated that the Chief Executive of the United States supports the legislation.

I understand the item is not in the budget because it was not a part of the statutory law when the budget was made.

I feel that this small amount will not upset any budget of which I have ever heard tell since I have been in Congress.

I feel that if the President of the United States and the Appropriations Committee believe it in order to present the item in a supplemental appropriation during the remainder of this session, that can be done.

I would like to say to my good friend from Iowa that the committee I chairman never places any responsibility other than its authorizing responsibility before Congress, and it permits the other committees to work their will on the legislation that it recommends, and I would have to stand by that recommendation.

Mr. GROSS. I am sure the distinguished gentleman from Colorado will agree with me that if there are enough $4 million unbudgeted items approved by Congress, the budget that has been submitted will have absolutely no meaning. So I do not believe we can lightly pass off any unbudgeted spending of $4 million. I think Members of Congress ought to begin to be interested in how much money is being spent. This bill authorizes a new Commission, without regard to civil service rules and regulations and without regard to the Classification Act of 1949, to go out and hire at will and pay any salaries it wants to pay. Under civil service, supergrades are now paid up to $20,000 a year. It seems to me this Commission could conform to the Classification Act and hire its employees without suspending the civil service rules and regulations. The bill goes on in the next paragraph and provides for the hiring of consultants without limit. It can hire consultants and advisers outside of the Advisory Committee that is to be set up. How far, in all conscience, is it proposed to go in this business of hiring people? Then we go down to the bottom of page 17, where it was stated earlier by the gentleman from Pennsylvania that the representatives of the Governors would not be paid. I say it does not make any difference how thick or thin it is sliced, these representatives can be paid, because it is stated in that paragraph, "with or without compensation." This section of the bill does not deal exclusively with the Advisory Council. That is dealt with, and the stipulation as to who shall serve without compensation, is under an entirely different section on page 14 of the

bill. So the representatives of the Governors could be paid, as long as this "with or without compensation" provision remains in the bill.

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

Mr. GROSS. Yes. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I have a great deal of regard for the legislative ability of the gentleman from Iowa, but I want to assure him and to assure the other members of this committee that there is nothing in this language to which he is referring, subsection (d) of section 9 of the bill, which appears at the bottom of page 17 and at the top of page 18 of the bill, that would allow any member of the Advisory Council to be employed on that basis. It says:

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

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

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

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

There was no objection.

Mr. GROSS. I tried to settle this awhile ago, but the gentleman would not yield to me. Let me take just a second or two now. If the gentleman will delay the further consideration of the bill until I can write an amendment to this paragraph to say these representatives shall serve "without compensation," will the gentleman support that amendment?

Mr. SAYLOR. No; because that has already been provided in this bill. This is the conflict of interest provision to allow these people to be hired by the Committee.

Mr. GROSS. Wait a minute now. Such an amendment cannot do the bill any harm if you mean what you say. If this provision means that these representatives must serve without compensation, let us say so, instead of saying "with or without compensation." If the gentleman will support my amendment, we can settle this one issue with respect to this bill. Will the gentleman support an amendment of that kind if I can get it written?

Mr. SAYLOR. No, I will not support the amendment.

Mr. GROSS. That is what I thought.

Mr. SAYLOR. Because it does not apply.

Mr. GROSS. Of course it would apply.

Mr. SAYLOR. He is not trying to do what this bill says.

Mr. GROSS. You want it discretionary, that is what you want, so please do not say otherwise. I am opposed to this bill, because there is no reason for the creation of a brandnew commission. I do not know offhand how much we are spending on the Department of the Interior annually, but it is a vast amount. I do not understand why the Department of the Interior cannot come up with recommendations with respect to the public land situation in this country. Why do we have to go out now and borrow $4 million to set up a brandnew commission in order to make this survey or review?

Those who support this bill should understand that they are contributing to a busting of the budget and they will be contributing to the building of the bureaucracy in Washington.

I insist there are now enough people on the Federal payroll to do the job that is outlined in this bill and I am not going to be a party to the spending of an additional $4 million for the purpose of further padding the Federal payroll.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes, pursuant to House Resolution 642, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

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

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

The question was taken; and the Speaker announced that the "ayes" had it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 339, nays 29, not voting 65, as follows:

[Roll No. 63]

YEAS—339

Abbitt
Abernethy
Adair
Addabbo
Albert
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ashmore
Aspinall
Avery
Ayres
Baldwin
Baring
Barrett
Barry
Bates
Battin
Beckworth
Beermann
Belcher
Bell
Bennett, Mich.
Berry
Betts
Blatnik
Boggs
Boland
Bolling
Bolton, Frances P.
Bolton, Oliver P.
Bonner
Bray
Brock
Bromwell
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke
Burkhalter
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Carey
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Clark
Clausen, Don H.
Clawson, Del
Cohelan
Colmer
Conte
Cooley
Corbett
Corman
Cramer
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Dole
Dorn
Downing
Dulski
Dwyer
Edmondson
Edwards
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Findley
Finnegan
Fino
Fisher
Flood
Fogarty
Foreman
Forrester
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gibbons
Gilbert
Gill
Glenn
Gonzalez
Goodell
Grant
Gray
Griffin
Griffiths
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Halleck
Halpern
Hanna
Hansen
Harding
Hardy
Harris
Harrison
Harvey, Ind.
Hawkins
Hays
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Holifield
Horan
Hosmer
Huddleston
Hull
Hutchinson
Ichord
Jennings
Joelson
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Jonas
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilgore
King, N.Y.
Kirwan
Kluczynski
Knox
Kunkel
Kyl
Laird
Landrum
Langen
Lankford
Latta
Lennon
Lesinski
Libonati
Lindsay
Lloyd
Long, La.
Long, Md.
McClory
McCulloch
McFall
McIntire
McLoskey
McMillan
MacGregor
Mahon
Mailliard
Marsh
Martin, Calif.
Martin, Mass.
Martin, Nebr.
Matsunaga
Matthews
May
Michel
Milliken
Mills
Minish
Monagan
Montoya
Moore
Moorhead
Morgan
Morris
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Ostertag
Patman
Patten
Pelly
Perkins
Pickle
Pike
Pilcher
Pirnie
Poage
Poff
Pool
Price
Pucinski
Quie
Quillen
Randall
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rich
Rielhman
Rivers, Alaska
Rivers, S.C.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St Germain
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Selden
Senner
Shipley
Short
Shriver
Sibal
Sickles
Sikes
Siler
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Va.
Springer
Stafford
Staggers
Stephens
Stinson
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Tollefson
Trimble
Tuck
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Waggonner
Wallhauser
Watson
Watts
Weltner
Westland
Whalley
White
Whitener
Whitten
Wickersham
Widnall
Williams
Willis
Wilson, Bob
Wilson, Ind.
Winstead
Wright
Wydler
Young
Younger
Zablocki

NAYS—29

Abele	Derwinski	Lipscomb
Alger	Devine	Minshall
Ashbrook	Dingell	Pillion
Becker	Gross	St. George
Bennett, Fla.	Harsha	Smith, Calif.
Bow	Harvey, Mich.	Snyder
Bruce	Hoeven	Utt
Clancy	Jensen	Van Pelt
Collier	Johansen	Wharton
Derounian	Kilburn	

NOT VOTING—65

Auchincloss	Green, Oreg.	Osmers
Bass	Hall	Passman
Brademas	Hoffman	Pepper
Broomfield	Holland	Philbin
Brown, Calif.	Horton	Powell
Buckley	Jarman	Purcell
Cameron	Kee	Rains
Celler	King, Calif.	Roberts, Ala.
Cleveland	Kornegay	Reifel
Davis, Tenn.	Leggett	St. Onge
Diggs	McDade	Scott
Donohue	McDowell	Sheppard
Dowdy	Macdonald	Staebler
Duncan	Madden	Steed
Elliott	Mathias	Stratton
Ellsworth	Meader	Thompson, N.J.
Flynt	Miller, Calif.	Toll
Ford	Miller, N.Y.	Weaver
Fraser	Morrison	Wilson,
Frelinghuysen	Morse	Charles H.
Goodling	Nelsen	Wyman
Grabowski	O'Brien, Ill.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Buckley with Mr. Miller of New York.
Mr. Scott with Mr. Weaver.
Mr. Brademas with Mr. Ellsworth.
Mr. Morrison with Mr. Morse.
Mr. St. Onge with Mr. Auchincloss.
Mr. King of California with Mr. Reifel.
Mr. Macdonald with Mr. Mathias.
Mr. Miller of California with Mr. Horton.
Mr. Philbin with Mr. Osmers.
Mr. Donohue with Mr. Broomfield.
Mr. Sheppard with Mr. Ford.
Mr. Stratton with Mr. Wyman.
Mr. Grabowski with Mr. Hall.
Mr. Thompson of New Jersey with Mr. Freylinghuysen.
Mr. Elliott with Mr. Meader.
Mr. Flynt with Mr. Cleveland.
Mrs. Green of Oregon with Mr. McDade.
Mr. Madden with Mr. Goodling.
Mr. Roberts of Alabama with Mr. Hoffman.
Mr. Holland with Mr. Nelsen.
Mr. Celler with Mr. Diggs.
Mr. McDowell with Mr. Leggett.
Mr. Kornegay with Mrs. Kee.
Mr. Rains with Mr. Davis of Tennessee.
Mr. Powell with Mr. Staebler.
Mr. Pepper with Mr. Charles H. Wilson.
Mr. Duncan with Mr. Dowdy.
Mr. Cameron with Mr. Bass.
Mr. Toll with Mr. Brown of California.
Mr. Steed with Mr. O'Brien of Illinois.
Mr. Purcell with Mr. Passman.
Mr. Jarman with Mr. Fraser.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CITIZENS OF 39TH CONGRESSIONAL DISTRICT OF NEW YORK VOICE THEIR VIEWS

Mr. PILLION. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter and tables.

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

There was no objection.

Mr. PILLION. Mr. Speaker, I would like to bring to the attention of the Members of this House and of the Senate, the views of the citizenry of the 39th Congressional District of New York on questions of major concern to this Congress and this Nation.

On February 3, I mailed to every household of the district a questionnaire and memorandum—a total of 122,000. The memorandum was intended to give the basic facts and background of the major and pressing problems confronting Congress.

The questionnaire contained 40 questions. The purpose of this opinion survey is:

First. To determine, in broad terms, the attitudes and opinions of the constituency on vital current domestic and international issues.

Second. To stimulate public interest and discussion, on the part of the public, for the strengthening, unifying, and bettering of this Nation and its peoples.

Third. To give to each citizen as great and as direct a voice as possible in their Federal Government, and in the decisions that so greatly affect their future.

Fourth. To make available to the Members of the U.S. Congress, and to the responsible officials of the executive branch, the views of the citizens of the 39th Congressional District.

A total of 10,154 questionnaires were completed and returned. This remarkable response is proof that the citizens of the 39th Congressional District are deeply concerned with this Nation's and the world's problems. It also evidences their willingness to assume the responsibilities of citizenship in a free country.

I am, personally, most grateful to those persons who generously took the time and trouble to complete and return the questionnaire. About two-thirds of these questionnaires contained additional comments or attached letters explaining or expanding upon either the questions or upon other issues. I deeply appreciate and respect their valuable suggestions and views.

The 39th Congressional District contains in it a small part of the city of Buffalo, about one-half of the city of Lackawanna, and 23 towns around the the city of Buffalo. The district contains urban, suburban, and rural areas. Its composition is a fair cross section of the Nation. The answers would be fairly representative for the Nation's population.

U.S. FOREIGN POLICY—SOVIET COMMUNISM

Mr. Speaker, I would like to direct particular attention to the questions and answers Nos. 1 to 7. These questions relate to foreign policy and the relations of the United States toward Soviet-led international communism.

The consensus of the views contained in these answers amount to a vote of "no confidence" in our foreign policies. There is an almost unanimous—97 to 3 percent—opinion against the grant of foreign aid to the Soviet, or its satellite Communist nations.

Similarly, there is a vast preponderance of opinion—96 to 4 percent—for a unified free world effort to realistically meet and defeat the Soviet-Communist forces in their political, nonmilitary war.

Ninety-five percent of those who replied recognize and believe that the Soviet-Communist forces are waging a nonmilitary world war to destroy the United States and the free world.

The replies to the first seven questions indicate the prevalent opinion that our foreign policies are dangerously approaching a state of collapse.

The United States is being subjected to increasing Communist-created hatreds, humiliations, and ridicule by even the most backward nations.

The United States needs to develop righteous, spiritual, moral, and economic goals to which the world can aspire. The State Department, without inspirational national and international goals, has been unable to formulate adequate foreign policies to meet the Soviet-Communist campaigns.

Without valid national and international goals, lacking sound foreign policies, our programs have been an ineffectual waste of this Nation's resources.

I submit part I of the questionnaire and answers containing 20 questions. Part II of the questions and answers will be submitted to this House tomorrow.

Part I follows:

PART I

	Number		Percentage	
UNITED STATES VERSUS SOVIET-COMMUNIST RELATIONS				
1. Do you believe that the prestige and power of the U.S. is steadily decreasing, relative to the power of the Soviet-Communist bloc?	Yes---- 7369	No---- 2365	Yes---- 76	No---- 24
2. Do you believe that the Soviet-Communist forces are waging a joint world campaign by a political and revolutionary new form of nonmilitary war to destroy all non-Communist nations and institutions?	Yes---- 9333	No---- 469	Yes---- 95	No---- 5
3. Do you believe that the U.S. should sell chemical, and other industrial equipment to the Soviet Union?	Yes---- 1172	No---- 8614	Yes---- 12	No---- 88
4. Do you favor foreign aid loans, credits or grants to the Soviet, or to its satellite nations?	Yes---- 259	No---- 9509	Yes---- 3	No---- 97
5. Do you favor foreign aid loans, credits or grants to the so-called "neutralist" nations who are clearly under pro-Communist influence such as Indonesia, Algeria, Yugoslavia and Ghana?	Yes---- 1111	No---- 8537	Yes---- 12	No---- 88
6. Do you favor an all-out U.S. effort to defeat the Communist led and supported forces in South Vietnam?	Yes---- 6767	No---- 2360	Yes---- 74	No---- 26
7. Would you support a unified U.S. and Free World effort to meet and defeat the Soviet-Communist forces in the new form of political and non-military war they are waging?	Yes---- 9153	No---- 402	Yes---- 96	No---- 4

PART I—Continued

	Number		Percentage	
FISCAL AFFAIRS				
8. Do you support the proposition that there should be no increased spending for any Federal activity (excepting transfers from other operations where needed for U.S. security against Soviet-Communism) until a balanced budget has been attained?	Yes---- 7560	No---- 2029	Yes---- 79	No---- 21
9. Would you favor a $200 increase in personal exemptions for taxpayers and dependents, to cost about $5.5 billion in loss of revenues a year, over the pending tax bill to cost about $11.1 billion in loss of revenues?	Yes---- 5785	No---- 3531	Yes---- 62	No---- 38
10. Do you favor the pending tax reduction measure, taking into account the estimated deficit of $10 billion for 1964, and another probable deficit of $10 billion for 1965?	Yes---- 3760	No---- 5386	Yes---- 41	No---- 59
MEDICAL ASSISTANCE FOR THE AGED—(MAA)—SOCIAL SECURITY				
11. Do you favor the retention of the Kerr-Mills Act, providing both unlimited hospital and medical care to citizens age 65 or over who show a financial need?	Yes---- 6231	No---- 3006	Yes---- 67	No---- 33
12. Do you favor the King-Anderson proposal, providing hospitalization insurance funded by a ¼% increase in Social Security payroll deductions for both employer and employee, with a $400 increase in Social Security base?	Yes---- 3415	No---- 5731	Yes---- 37	No---- 63
13. Do you favor the Javits proposal, which would provide a voluntary national medical-surgical insurance plan at a cost of about $100 per person a year in conjunction with a compulsory hospitalization plan similar to the King-Anderson proposal to be paid for by increased Social Security deductions?	Yes---- 2694	No---- 6188	Yes---- 30	No---- 70
14. Would you favor reducing the age from 65 to 62 at which citizens showing financial need may be eligible to receive hospital and medical care under the present Kerr-Mills Act?	Yes---- 6057	No---- 3149	Yes---- 66	No---- 34
CIVIL RIGHTS				
15. Do you believe that "civil rights" should insure the exercise of all Constitutional and equal legal rights in public facilities or affairs for all citizens?	Yes---- 7707	No---- 1555	Yes---- 83	No---- 17
16. Do you believe that the economic, sociological and moral phases of segregation and discrimination can be satisfactorily regulated by compulsory legal means?	Yes---- 1691	No---- 7664	Yes---- 18	No---- 82
17. Do you believe that the leadership for "civil rights" places too little emphasis on the social problems, economic opportunities and the responsibilities of our citizens for self-improvement, and too great a reliance upon legalistic solutions?	Yes---- 8164	No---- 1149	Yes---- 88	No---- 12
18. Do you believe that "sit-downs, marches, civil disobedience and/or violence" serves the ultimate good of the peoples of this Nation?	Yes---- 745	No---- 8761	Yes---- 8	No---- 92
19. Do you favor the public accommodations provision of the "civil rights" bill, under which the Attorney General is empowered to institute legal action against discrimination in restaurants, theaters, hotels, etc.?	Yes---- 3991	No---- 5376	Yes---- 43	No---- 57
20. Shall employment, the sale and rental of homes, the composition of public school classes, etc., be governed by a compulsory legal formula of numerical quotas based upon race, ethnic origin or religion?	Yes---- 676	No---- 8636	Yes---- 7	No---- 93

JOINT MEETING OF U.S. FOREST SERVICE AND NATIONAL PARK SERVICE

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

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

There was no objection.

Mr. MORRIS. Mr. Speaker, a few weeks ago our President announced a program of efficiency and economy in our Government. As chairman of the Subcommittee on National Parks and Outdoor Recreation, I am most pleased to announce to the House that the new and very able Director of the National Park Service, Mr. George Hartzog, has taken a lead along with Mr. Ed Cliff, Chief of the Forest Service and held the first meeting between the two agencies on policy matter in Washington on March 5, 1964.

SIGNIFICANCE OF JOINT U.S. FOREST SERVICE-NATIONAL PARK SERVICE MEETING

A very significant meeting took place in Washington, March 5, between the U.S. Forest Service and the National Park Service. The meeting was significant for several reasons.

Not too long ago we were hearing about differences between these two fine conservation agencies. There was public concern such could have harmful effects on the productive efforts of both organizations and the good they were trying to achieve.

Fortunately about a year ago through the joint efforts of Secretary Freeman and Secretary Udall an agreement was reached concerning several important jurisdictional responsibilities of the two agencies in managing public recreational areas. The letter to the President from the two Secretaries outlining the agreement said:

> We are pleased to advise you that the Department of Agriculture and the Department of the Interior have developed a new conservation policy to help implement the outdoor recreation program of the administration.
>
> We have reached agreement on a broad range of issues which should enable our Departments to enter into a new era of cooperation in the management of Federal lands for outdoor recreation. This agreement settles issues which have long been involved in public controversy, we have closed the book on these disputes and are now ready to harmoniously implement the agreed-upon solutions.
>
> The decisions reached will do much to further development of Federal recreation resources, eliminate costly competition, promote cooperation, and recognize the major role that the Departments of Agriculture and the Interior both have in administering Federal lands under their jurisdiction for recreation purposes.

In approving the agreement the late President Kennedy said "it represents a milestone of conservation progress."

In the atmosphere of cooperation the agreement established, Chief Forester Cliff and Director Hartzog in a series of meetings have laid the groundwork for what it is hoped will become a massive assault on problems of mutual concern to their Bureaus and the complex task of meeting the public demand for additional recreational opportunities and services. The meeting on March 5 was what might be called a grassroots meeting. In attendance were the heads of the regional staffs of both Services. They will have the responsibility of seeing that the program is carried out at the field level.

In a number of instances forest lands and park lands are contiguous. That relationship provides an opportunity for joint land use planning, which should make it possible for both Services to more effectively handle their respective responsibilities.

To test the feasibility and practicability of the joint approach the two Services are initiating a pilot study with regard to public use on an adjoining national forest and national park. Bringing to bear the know-how, special skills and resources of both Services on common problems is a most constructive approach. Out of it should come not only better relationships and the development of a climate in which solutions can be found—but more effective use of the public lands.

The increasing demand for recreational opportunities and services on public lands can receive a tremendous assist by more sharing of talents and resources. The lands administered by each Bureau have been established as a part of the overall Federal land use program. Each contributes in its own particular way to the overall public good.

Though purposes and practices may differ, such need not and should not prevent joint effort where there is no conflict in basic purpose and when common effort can result in more effective use of the land and its resources for the overall public good.

That in effect is what the Forest Service and National Park Service are attempting to do within the framework of their respective statutory purpose and responsibility.

The joint meeting marks the beginning of a new day in Forest Service-Park Service cooperative effort. It may well be the forerunner of still further cooperative effort for the same purpose among other Federal land managing agencies.

FEDERAL PAY LEGISLATION

Mr. UDALL. Mr. Speaker, I ask unanimous consent to extend my remarks at

this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. UDALL. Mr. Speaker, as the debate on Federal pay legislation approaches I want to call the attention of my colleagues to the action taken by the American Bar Association at the midyear meeting of its house of delegates in Chicago last month. At that meeting the association reaffirmed its support of Federal salary legislation, and especially of increases for the judiciary and Members of Congress.

At that same meeting the Committee on Judicial Selection, Tenure, and Compensation turned in a report strongly recommending H.R. 8986, the bill which will come before the House tomorrow.

Mr. Speaker, I believe it is significant that the American Bar Association has taken such a strong interest in Federal salary legislation. This organization has nothing to gain from increasing the pay of Congressmen, judges, Federal executives and other employees of the Federal Establishment. Its members are all taxpayers, and they surely have an interest in holding down Federal expenditures. And yet the American Bar Association favors Federal salary increases. Why? I believe the answer lies in a recognition that there is a relationship between the salaries paid and the kind of people attracted to Government service. The American Bar Association has made clear it believes the quality of Government service is threatened by the present level of Federal salaries.

Mr. Speaker, without objection, I insert the resolution and report of the American Bar Association at this point in the RECORD. Also, without objection, I insert an editorial appearing in the Washington Post on Sunday, March 8, and an article appearing in the publication Stores, entitled "In Defense of Congress," by John C. Hazen, vice president of the National Retail Merchants Association.

AMERICAN BAR ASSOCIATION STANDING COMMITTEE ON JUDICIAL SELECTION, TENURE AND COMPENSATION

The following resolution was adopted by the house of delegates, February 1964:

"Whereas the American Bar Association has consistently and vigorously advocated adequate salaries for the Federal judiciary and the Members of Congress, and in 1954 specifically approved a schedule of increases recommended by the Commission on Judicial and Congressional Salaries for these officials; and

"Whereas the salary increases adopted by Congress in 1955 were one-third to 40 percent below those approved by the association in 1954, and the salary scales adopted at that time are still in effect today; and

"Whereas since the last judicial-congressional salary increase in 1955, employees in the classified services of the Government have received six salary increases, aggregating more than 51 percent which have narrowed drastically the differential between the maximum salaries in the classified services and judicial-congressional salaries; and

"Whereas present salaries of Federal judges and Members of Congress are not in line with the economic and official needs of these important officials of our Government; and

"Whereas the President's Advisory Committee on Federal Salary Systems, appointed by President Kennedy, concluded in its recent report that if we are to attract qualified people to the Congress and the Federal Judiciary, salaries must be raised substantially; and

"Whereas in February of 1963, the house of delegates unanimously urged the Congress to increase substantially the annual compensation of all Federal judges, expressed its support for equitable legislative proposals designed to achieve that result, and suggested that Congress study its own salary scale to determine whether it adequately provides current and future economic and official needs of Members of Congress; and

"Whereas on January 21, 1964, President Johnson reemphasized the need for such salary increases in his budget message to Congress and expressly urged that the Congress 'increase salaries for the Congress and the Judiciary'; and

"Whereas there is presently pending in the House of Representatives, H.R. 8986, known as the Morrison bill, which would provide salary increases of $10,000 per year for all Federal judges and for the Members of the Congress; and

"Whereas H.R. 8986 is in accord with the principles expressed in the resolution adopted by this House in February of 1963 and with the uniform recommendations and reports of your committee over the years, and is also in accord with the provisions made by President Johnson for judicial and congressional salary increases in his proposed budget now: Therefore be it

"*Resolved*, That the House of Delegates of the American Bar Association endorses the principles embodied in the provisions of H.R. 8986 for judicial and congressional salary increases; and

"*Resolved further*, That the chairman of the standing committee on judicial selection, tenure and compensation is authorized and directed to appear before the appropriate committees of the Senate and of the House of Representatives of the United Stats in support of such provisions of H.R. 8986 or any other bill which may be introduced in the Congress providing for substantial increases in judicial and congressional salaries; and

"*Resolved further*, That copies of this resolution shall be sent to the President of the United States and each Member of the Congress."

FEBRUARY, 1964.

AMERICAN BAR ASSOCIATION REPORT OF THE STANDING COMMITTEE ON JUDICIAL SELECTION, TENURE, AND COMPENSATION

The months which have elapsed since the annual meeting of the association in Chicago last August have been busy ones for your committee. All of its attention and efforts during that period were concentrated on a campaign to arouse public support for much needed and long overdue increases in the salaries of members of the Federal judiciary and of the Congress.

For many years, the association has been consistent and vigorous in its solid backing of fairer and more realistic salary levels for Federal judges.

In more recent years, congressional salaries have also been a matter of serious concern to this association. It is clearly in our national interest to provide adequate compensation for our elected representatives in the Congress.

Moreover, at least since 1919, Federal judicial salaries have been linked to congressional salaries and it is extremely unlikely that there will be any increases in the one without corresponding increases in the other.

The action of the association during the past 15 years respecting judicial or congressional salaries can be briefly summarized.

In 1949, the house of delegates approved a resolution supporting the recommendation of the Commission on Organization of the executive branch of the Government, popularly known as the Hoover Commission, for a substantial increase in congressional and judicial salaries. In 1951 the house of delegates adopted a resolution recommending increases in Federal judicial salaries, and in 1953 the board of governors adopted a recommendation of this committee endorsing the McCarran bill providing increases of $10,000 a year for Members of the Congress and Federal judges, and an additional increase of $4,500 a year for the Chief Justice.

In 1953, members of this association urged that Congress enact legislation providing for an independent study of congressional and judicial salaries by a nongovernmental source. As a result, Public Law 220 was approved August 7, 1953, creating the Commission on Judicial and Congressional Salaries. The Commission was composed of 18 voting members, including, in equal numbers, leaders from labor, from agriculture, and from business and the professions. Six members, including the Chairman, were appointed by the President, six by the Chief Justice, and three each by the Vice President and the Speaker of the House. Nine advisory but nonvoting members, three each from the Senate, the House of Representatives, and the Federal judiciary were designated to meet with the Commission.

Members of this association played a major role in connection with the work of the Commission and the legislation which resulted. The present chairman of your committee was appointed by President Eisenhower as Chairman of the Commission, and Loyd Wright, later president of our association, and Eugene D. Bennett, who for several years has been a member of the Association's Standing Committee on Federal Judiciary, were appointed as members by Vice President Nixon and Chief Justice Warren, respectively. Charles S. Rhyne, another ABA president, served as General Counsel of the Commission. This committee, under the able leadership of its chairman, Morris B. Mitchell, was of tremendous aid to the Commission, and three active members of the association—Whitney North Seymour, Preston C. King, and Charles E. Kenworthey, a member of this committee at the time—served as counsel for proponents in organizing the case in support of increases.

On January 15, 1954, the Commission filed its report, recommending increases of $12,500 a year for Members of the Congress and judges of the U.S. district court and other judges receiving the same salary; of $13,000 for judges of the Courts of Appeal and other judges receiving the same salary; and of $14,500 for Justices of the Supreme Court. Thereafter, your committee actively supported the Commission's recommendations in the Congress, and conducted a vigorous campaign to stir up nationwide support for them.

When Congress finally acted, on March 2, 1955, the recommendations of the Commission were cut by approximately one-third, despite the report of the Senate Judiciary Committee to the effect that the findings and recommendations of the Commission were "based upon sound and logical conclusions." The salaries adopted by Congress were $35,500 for the Chief Justice and $35,000 for Associate Justices, $25,500 for judges of the courts of appeals, and $22,500 for judges of the district courts and for Members of the Congress. These salaries have not been changed since that time.

On the other hand, after this last judicial-congressional salary increase in 1955, employees in the classified services of the Government have been granted six salary increases aggregating more than 51 percent.

The effect of these increases has been to narrow drastically the historical differential between the maximum salaries in the classified services and judicial and congressional salaries.

The establishment of the present classified rates in the Federal Salary Reform Act of 1962, in an effort to achieve a closer degree of comparability between classified salaries and those in private enterprise, is a long overdue and badly needed reform, but the fact that no concurrent adjustment has been made in judicial and congressional pay has created an illogical and untenable situation.

Recognizing the substantial disparity which still exists between Federal career salaries and salaries in private enterprise, President Kennedy sent a special message to Congress on February 20, 1962, urging "Federal pay reform, not simply a Federal pay raise," and set as the standard the principle of comparability between pay for classified Government employment and the average pay for similar work in private enterprise. The President pointed out the disparity which increases previously granted had created when salaries of many civil servants were boosted to levels above those of their chiefs in Cabinet, sub-Cabinet, and similar positions, and stated that the salary level of these executives, as well as that of the Members of Congress, were, in his opinion, inadequate. Obviously, the same applies to the salaries of Federal judges, which, as has been pointed out, are directly related to those of the Congress.

These conclusions were borne out by the findings in the report submitted to the President on June 12, 1963, by the President's Advisory Panel on Federal Salary Systems, appointed by President Kennedy, headed by Clarence B. Randall, former chairman of the Inland Steel Corp., and comprised of 11 leaders in industry, labor, education, banking, government, the judiciary, and the military.

In its report, the President's Advisory Panel recommended the following increases, strongly urging the President to throw his full support behind them: $60,500 for the Chief Justice and $60,000 for the Associate Justices of the Supreme Court; $45,000 for the judges of the courts of appeals; $35,000 for the judges of the district courts; and $35,000 for Members of the Congress, with $5,000 deductible for income tax purposes.

Mention has been made of the disparity between salaries of Members of the Congress and Federal judges on the one hand and those in business, the professions, and other private enterprises on the other. Further, even the historical relationship between salaries of Federal and State court judges has been radically altered. Although traditionally, salaries of Federal judges have set the standard for State court judges, this is no longer so, and today many State court judges receive salaries in excess of those of judges of the U.S. district courts and courts of appeals sitting in the very same cities. In some cases, the disparity is most striking.

By any standard, the present salary scale of members of the Federal judiciary and of the Congress is wholly inadequate and grossly inequitable. Every independent or Government committee, commission, or other body which has studied the subject has reached the same conclusion.

Realizing that the 1955 legislation did not provide adequate salaries even as of that date, the association, too, has consistently endorsed further increases in judicial and congressional salaries. Most recently, in 1961, the house of delegates adopted a resolution urging Congress to bring judicial salaries up to the level recommended by the Commission in 1955, and at its midyear meeting in February of 1963, the house of delegates adopted a resolution offered by this committee urging Congress to increase substantially the annual compensation of all Federal judges and suggesting that Congress study its own salary scale to determine whether it adequately provides for current and future economic and official needs of Members of the Congress. The resolution directed this committee to present the foregoing proposals to the Congress and authorized the committee to appear before the appropriate congressional committee in support of such proposals.

On September 18, 1963, ABA President Walter E. Craig and the chairman of this committee appeared before the House Committee on Post Office and Civil Service at the request of that committee to testify regarding judicial and congressional salaries. They urged that Congress promptly enact legislation substantially increasing such salaries, and Mr. Segal presented the arguments in justification of such action. Following the testimony, the House committee distributed to all Members of the Congress and to various other persons, special committee prints of Mr. Craig's and Mr. Segal's testimony. Subsequently, these reprints were mailed by the association's Washington office to approximately 2,000 newspapers, and another 2,000 were sent to State and local bar associations, with a covering letter from Edward L. Wright, chairman of the house of delegates, requesting each association to adopt a resolution favoring substantial judicial-congressional salary increases, to contact local newspapers and radio and television stations in an effort to stimulate favorable editorials and comments, and to communicate with the members of their congressional delegations.

On October 7, 1963, Congressmen MORRIS K. UDALL, Democrat, of Arizona; and JOEL T. BROYHILL, Republican, of Virginia, introduced identical omnibus salary bills. These bills would increase the pay of approximately 1,750,000 officials and employees of the Federal Government. Title III provides salaries of $35,000 for Members of the Congress, and title IV establishes salaries of $50,500 for the Chief Justice of the Supreme Court and $50,000 for the Associate Justices; $40,500 for judges of the courts of appeals; and $35,000 for judges of the U.S. district courts.

On October 30, 1963, Congressman JAMES H. MORRISON, of Louisiana, introduced H.R. 8986, which was reported favorably by the House Committee on Post Office and Civil Service on November 13, 1963. H.R. 8986 embodies all the provisions of the Udall-Broyhill bills except that in the case of Federal judges and Members of the Congress, it provides a uniform increase of $10,000 a year. As a study of the 1954 Report of the Commission on Judicial and Congressional Salaries and of the 1963 Report of the President's Advisory Panel on Federal Salary Systems amply demonstrates, an increase of $10,000 a year for these high officials of our country is certainly an absolute minimum. While such amounts sound high, they must be appraised against the background of the fact that since 1789 adjustments in judicial salaries have come, on the average, only once in every 20 years, and congressional salaries have been increased approximately once in every 25 years since 1866. Under these circumstances, obviously when an increase does come its amount must be substantially higher proportionately than annual or biennial increases provided for other Government employees.

It cannot be doubted that current judicial and congressional salaries are unconscionably low, measured by any appropriate standard. As this report has briefly demonstrated, every responsible group addressing itself to the subject has unequivocally reached that conclusion.

Unfortunately, however, Members of the Congress continue to show extreme reluctance to enact, and therefore they continue to postpone again and again, increases in their own salaries, however justified, and thus consideration of judicial salary increases is likewise postponed. History has demonstrated again and again, and most recently in 1955, that the fears of some Members of the Congress that a vote for a fair and equitable congressional pay increase would have adverse consequences at the polls are entirely unfounded. Nevertheless, such concern persists and it can be allayed only by a dynamic demonstration by the American people that they do not seek inequitable and unreasonable financial sacrifices by their public servants.

It was the work of the American Bar Association, aided by State and local bar associations; the splendid editorials and columns appearing in newspapers and magazines, and the persuasive discussions by television and radio commentators throughout the country; and the resolutions of groups representing all segments of our society which finally persuaded the Congress in 1955 to adopt, at least in substantial part, the recommendations of the Commission on Judiciary and Congressional Salaries.

A similar effort is once again required.

The Morrison bill—H.R. 8986—deserves the support of every thoughtful citizen. It should be enacted at the earliest possible moment. Whether it is enacted will depend upon the support given the bill by the American public. Under these circumstances it is once again the responsibility of the organized bar to provide the leadership needed to produce this result.

The ABA campaign, which is being participated in by this committee and by the Committee on Federal Legislation, is now being vigorously conducted. President Craig is actively participating, and the Washington office, by its director, Donald E. Channell, is devoting much time and attention to the effort. The committee is grateful to Mr. Channell and the ABA staff in Washington for their help.[1]

Although the results of the campaign thus far have been somewhat disappointing, significant progress has been made.

Favorable resolutions have been adopted by the following associations: Delaware State Bar Association,[2] Essex County (N.J.) Bar Association, General Council of the New Jersey State Bar Association, New Jersey State Bar Association, Association of the Bar of the City of New York, Philadelphia Bar Association, Pennsylvania Bar Association,[2] Virginia State Bar Association, Birmingham Bar Association,[2] Los Angeles County Bar Association, Bridgeport (Conn.) Bar Association, Hawaii Bar Association,[2] Chicago Bar Association,[2] Lake County (Ill.) Bar Association, Indiana State Bar Association, Boston Bar Association,[2] State Bar of Michigan, Kansas City (Mo.) Bar Association, Omaha Bar Association, New York County Bar Association,[2] New York State Bar Association, Oneida County (N.Y.) Bar Association, Queens County (N.Y.) Bar Association, Rensselaer County (N.Y.) Bar Association, Westchester County (N.Y.) Bar Association, Erie County (Pa.) Bar Association, Houston Bar Association, Jefferson County (Tex.) Bar Association, West Virginia State Bar, State Bar of Wisconsin,[2] Bar Association of San Francisco, Seattle-King County (Wash.) Bar Association, American Patent Law Association, and the nonjudicial members of the Judicial Conference for the Third Judicial Circuit of the United States.

Editorials have appeared in the following newspapers: New York Times (November 12), Trenton (N.J.) Evening Times (October 16),

[1] The committee expresses its appreciation also to Arthur H. Kahn, of the Philadelphia Bar, for his invaluable aid to the chairman in the work of the committee.

[2] Limited to increases in judicial salaries.

West Chester (Pa.) Daily News (October 28), East Oregonian (Pendleton, Oreg.) (October 30), Delaware County (Pa.) Press (November 14), New Jersey Law Journal (November 14), Pottstown (Pa.) Mercury (December 4), and ABA Journal (November).

Feature columns or other significant articles have appeared in the following: Catholic Standard & Times (October 4), Boston Bar Journal (October) ("President's Page" by Robert W. Meserve, chairman ABA Standing Committee on Federal Judiciary), Philadelphia Evening Bulletin (November 11), The Legal Intelligencer (Philadelphia) (December 4), New Jersey Law Journal (October 24). In addition, an article by the chairman of your committee, presenting the history of congressional and judicial salaries and the arguments in support of the Udall-Broyhill bills (now largely embodied in the Morrison bill), appeared in the November issue of the ABA Journal. Numerous items on the subject have also appeared in the ABA News, the ABA Coordinator, and the ABA Washington Newsletter.

The editorials to which reference has been made present powerful arguments in favor of salary adjustments. The New York Times editorial of November 12 said in part:

"Congress is making a gingerly—almost reluctant—approach toward removing one of the chief roadblocks against the entry of highly qualified personnel into top positions of the Federal service.

"This obstacle is the unattractiveness of the salaries paid at the most responsible levels of Government. Such salaries are low not only by the standards that prevail in the higher echelons of private industry but also in comparison with the earnings of top-ranking officeholders in many State and municipal agencies, philanthropic organizations, and even some universities.

* * * * *

"Congressmen appear afraid to pass this bill because it provides for raising their own salaries by $10,000, to $32,500. They worry about taxpayer vengeance at the polls—needlessly, we believe. Congress has had no pay raise in almost a decade. We doubt that there would be any significant public objection to a pay increase for Congress."

The same point was made in an editorial in the Trenton (N.J.) Evening Times on October 16:

"Members of Congress are naturally reluctant to raise their own pay, being fearful of the reaction at home. They should not be so coy. They spend more money for more purposes than any body of men on this planet. Commonsense demands that they devote a tiny fraction of their appropriation to making the top jobs of statecraft inviting to the persons best fitted to hold them."

Mr. William S. White, whose syndicated column appears in approximately 130 newspapers with a total circulation of approximately 25 million readers, has had 2 excellent columns on the subject which, if space allowed, would justify reprinting in full.

In the second [3] of these, appearing November 22, 1963, Mr. White said:

"What is proposed is to raise the salaries of Members of the House and Senate and of Federal judges from $22,500 to $32,500 a year, with equivalent raises for other Federal personnel. In plain fact, this would be a small enough increase for a Congress which has had precisely four pay increases since 1866 and only one within the last 10 years.

"In plain fact, present congressional pay is demonstrably inadequate for all save Members with private income. In plain fact, men holding the life of the United States in their hands are being rewarded on a scale that would be absurd in any private enterprise involving even remotely comparable responsibilities.

"In plain fact, so responsible an organization as the conservative American Bar Association—which is rarely accused of eagerness to toss away public money on harebrained schemes—is standing stoutly for both the congressional and the judicial pay bills as deeply needed steps to improve the quality of public service.

"But a most melancholy fact also is that other responsible organizations, holding no less stake in Government, are sitting this thing out. What possible logic can move the great corporations and farm and trade and labor associations to remain silent here?"

This is a clarion call to action. It is in the national interest that it be heeded by the responsible groups upon which Mr. White calls for support.

As in the 1952–55 campaign, the committee is endeavoring to secure appropriate action by the various labor, agriculture, business, education, religious, civic, and other organized groups in the community. Recently, President Craig, Donald Channell, and your chairman met in Washington with the representatives of 14 of the leading trade organizations in the country in order to stimulate action by them in support of this legislation. The response was excellent, and there is substantial hope that effective action by these representatives of American industry will follow.

President Kennedy and President Eisenhower recognized the need for increases in congressional and judicial salaries and called for congressional action. President Johnson has reemphasized the need for salary increases in his budget message to Congress on January 21, 1964:

"Salary reform and adjustment: Although this budget is deliberately restrictive, I have concluded that Government economy will be best served by an upward adjustment in salaries. In the last year and a half the Federal Government has taken far-reaching steps to improve its pay practices. The Federal Salary Reform Act of 1962 and the Uniformed Services Pay Act of 1963 established the principle of keeping military and civilian pay generally in line with pay in the private economy. This is a sound principle, and it is reinforced by the sound procedure of annual review. This principle is fair to the taxpayer, to Government employees, and to the Government as an employer.

"This budget provides for the costs of such action in this session of Congress. Any pay action by the Congress should bring salary rates for top executive branch positions up to levels more nearly commensurate with their respective responsibilities, and increase rates for the Congress and the judiciary. Economy and efficiency in Government will come primarily from the hard and conscientious work of our top managers, who are now plainly underpaid for what is expected of them."

Thus despite the administration's efforts to reduce the Federal budget, President Johnson deemed the need for salary increases sufficiently critical to call for immediate action by Congress.

In any event, the number of persons affected by salary increases for the Congress and the Federal judiciary is so small that the resulting impact on the national budget will never be great. This is demonstrated by the fact that even with the 73 new judgeships added by the omnibus judgeship legislation in 1961, the approximate annual cost of the increases provided in the Morrison bill would be only $5½ million for Federal judges and the same amount for Members of the Congress, or just a little over one one-hundredth of 1 percent of the national budget for 1964.

Present judicial and congressional salaries are unconscionably low measured by any appropriate standard and every responsible group which has studied the subject has come to this conclusion.

The need is clear. Congress should act now, but it will act only if it is convinced that the bill has public support. To convince the Congress that such support exists is our plain duty as lawyers and as leaders of community thought.

BERNARD G. SEGAL,
Chairman.
ROBERT K. BELL.
STEPHEN S. CHANDLER.
WILLIAM B. COBB.
THOMAS W. LEIGH.
MORRIS B. MITCHELL.
BARNABAS F. SEARS.

JANUARY 24, 1964.

[From the Washington (D.C.) Post, Mar. 8, 1964]

CONGRESSIONAL PAY

It will take a good deal of courage for Congressmen to vote themselves a $10,000 raise when the Federal pay bill comes up on Wednesday. They will inevitably face a substantial amount of criticism for boosting their own salaries in the face of the Johnson administration's economy drive and the general tax cut. But the proposal for higher congressional salaries stands on its own merits and those merits are impressive.

Members of Congress have had no pay increase since 1955, although the cost of living and salaries in general have continued to rise. At the same time the burdens on Members of Congress have increased. Legislating for a powerful and prosperous nation of 190 million people is an enormous responsibility for which $32,500 a year is not excessive compensation. We do not think people should be lured into congressional races by the salary paid, but it ought to be large enough to compensate men and women of high caliber.

Another factor—the high cost of running for office—should be weighed realistically. Many able Members of the House have given up the idea of following a congressional career because they cannot afford an election campaign every 2 years on the present salary. When it costs Members $10,000 to $25,000 out of their own pockets to get reelected, a $22,500 salary does not stretch very far. Members who stay in Congress year after year are under strong pressure to seek large campaign contributions or expense funds from the interests.

We think, therefore, that a good case can be made for the proposed raise for Congressmen. Members of both parties would do well to lay all the facts before the country and vote for increased salaries.

[From Stores, February 1964]

REPORT FROM WASHINGTON: IN DEFENSE OF CONGRESS

It is with concern that many observe the various attacks that have been made upon Congress. Not only are individual Members under attack by certain writers, columnists, and others, but the institution of Congress has come under fire.

It is not a cliche to note that Congress is the last bulwark of a free people. Those who advocate the creation of a stronger executive branch would disrupt the important balance of power concept of Government and tend to concentrate power in the hands of an individual.

To make this problem more difficult, Members of Congress are now faced with the necessary but difficult task of raising their own salaries. Public officials, naturally, find it difficult to vote for increases in their own compensation for fear of being misunderstood, hence it is necessary that the people should understand the need for salary in-

[3] Mr. White's first article appeared on Nov. 4, 1963.

creases for Members of the House and Senate.

Senators and Representatives receive an annual salary of $22,500 before taxes. Many Governors and city mayors are paid in excess of this amount. The city of Los Angeles pays 19 of its administrative employees $25,000 annually.

Members of the House of Representatives live in a constant state of campaigning, for they must stand for reelection every 2 years. The demands upon their time and funds to fulfill their responsibilities, such as maintaining two homes, being available to visit their home districts, etc., place those who lack an independent income in a constant state of economic jeopardy.

Many business leaders are advocating the passage of H.R. 8986, a bill that is now pending before the Rules Committee which would increase congressional and judicial salaries and also some in top executive positions in the Government to $32,500 annually. If this legislation is to pass, Members of Congress will have to be encouraged to vote in the affirmative.

LATIN AMERICA—OUR GREATEST CHALLENGE

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

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

There was no objection.

Mr. BARRY. Mr. Speaker, last week before a distinguished group of business leaders of the Economic Club of New York, J. Peter Grace, the president of W. R. Grace & Co. and former national chairman of the Businessman's Committee for the Alliance for Progress, a man well versed in the problems of Latin America and dedicated to the improvement of its economic plight, delivered an address which I would like to call to the attention of this House. The subject is not new to us, "Latin America—Our Greatest Challenge," but the points that are made, and cannot be emphasized enough, are essential to the comprehension of the problems faced in the Alliance for Progress program. These challenging concepts, which Mr. Grace presents, must be considered when the success of our Latin American program is measured against poverty and political subversion.

Certainly one of the greatest challenges which the Unites States faces in Latin America is that of competition with communism, as well as combating social inequities. As Mr. Grace indicates, the Alliance for Progress is a mutual effort between the United States and 19 Latin American countries and to guarantee its success this country and 19 others must deliver their commitments. So far, neither public nor private sectors of the United States have met their commitments under the Alliance and therefore we have been left open to charges of indifference—charges advantageous to Communist propaganda. I shall not elaborate further, but commend to my colleagues this excellent speech of Mr. Grace calling for increased and immediate support for the Alliance for Progress to meet the Latin American challenge.

LATIN AMERICA—OUR GREATEST CHALLENGE

(An address by J. Peter Grace, President, W. R. Grace & Co., before the Economic Club of New York, New York City, March 3, 1964)

President Watson, members of the Economic Club of New York, and guests: About 1 year ago at a meeting here, the late President John F. Kennedy stated:

"I think the situation in Latin America is very critical. I would say it represents the greatest challenge which the United States now faces except for the direct matter of our dealings with the Soviet Union."

Now what is this "challenge" that President Kennedy spoke of? It is decisive competition with communism in an area vital to our economic and military security. It is also a day-to-day demonstration of the values of democracy, freedom, and private enterprise.

This is a very difficult task indeed because of a state of mind that is best categorized as "indifference." The Latin Americans feel that we, their good neighbor to the north, have been for many, many years indifferent to their economic plight, and they have both logical and illogical grounds for so feeling.

Here we have tens of millions of people who have been living for centuries in abject poverty who are suddenly awakening to the realities of their existence; to the fact that somebody has "short-changed" them.

Now they don't know precisely who has "short-changed" them, but they are getting plenty of help on this score from the Communists who constantly inform them that the two culprits are their own propertied class and the rich neighbor to the North.

Bear in mind that the average income of 50 percent of the people in Latin America is only $125 a year. I know that this audience is well aware of conditions in Latin America, with 85 percent of all teenagers failing to receive secondary education, about one-half of the adults illiterate, and so on.

It is pretty easy for people who find themselves in this condition, and who suddenly discover the tremendous difference between their lot and what others enjoy, to feel that they have been "taken" somehow, by someone.

When the Alliance was established, what was needed more than anything else, and what is needed today, is hope. This the Alliance created, and we should all be very grateful for this.

But hope frustrated by failure turns bitter and engenders resentment. This is why the Communists inflate the aspirations of the masses and in so doing, deceive them.

The Alliance recognized great social inequalities and promised alleviation in terms of a $100 billion 10-year development program to increase gross national product 2½ percent per capita per year.

Now where was this $10 billion per year to come from? Two billion dollars was to come from external sources and $8 billion from internal Latin American sources. In other words, the Alliance was never anything less than a mutual effort between the United States and 19 Latin American nations. Furthermore, this mutuality can be expressed in terms of 80 percent for the Latin American nations, 14 percent for U.S. public and private sectors, with the remaining 6 percent being programed from other sources.

Assuming we deliver 100 percent of our commitment, there always are 19 other participants who also have to deliver to make it totally successful, thus the precise performance versus the goals that were set is not necessarily a measure of our success or failure.

Now we are not delivering 100 percent and thus there are grounds for charging us with indifference to the economic plight of the masses in Latin America.

The Alliance was established in August 1961. Up to that point we had already given to Western Europe $31.6 billion in economic aid—more than eight times the $3.8 billion in economic aid that we had given to Latin America.

Between 1946 and 1961, eight European nations, including Yugoslavia, received anywhere from 70 to 91 percent of their aid in nonrepayable forms, i.e., outright grants. The corresponding figure for Latin America's seven largest countries was 20 percent.

The highest yearly per capita figures for aid granted in any consecutive 3-year period in our aid program have been:

United Kingdom	$30
France	22
Germany	18
Italy	10
Latin America	3

Surely those who wish to miscast the attitudes of the United States could successfully charge indifference.

Another facet of this general feeling in Latin America that we are not in our hearts sufficiently concerned about conditions on that continent is the widespread view that Castro is really responsible for the recent awakened interest on our part in Latin America.

Many people in Latin America recognize Castro for what he is, but they also realize that every time things get hot between us and Castro, the United States takes a greater interest in Latin America and does more to help them.

This is the reason why Castro is not considered all bad in Latin America. This is the reason why Latin Americans say that Castro is our problem and not their problem, despite the fact that Castro is really more of a threat to the well-being of Latin Americans than to North Americans.

The Latin Americans know that when communism becomes a threat in any part of the world that we consider of strategic importance to the U.S. interest, that we go all out to combat this threat. Witness South Korea's 23 million people who received through 1960 more than 10 times the per capita net economic aid granted to Latin America. As a matter of fact, even when the beneficiaries involved are Communists, the comparisons are very surprising since in 1962 we gave Yugoslavia more than twice Latin America's most recent per capita aid, and in 1960 we gave Communist Poland more than Latin America's latest per capita aid figure.

Now this mutual effort—the Alliance for Progress—calls for gross U.S. aid of $1.1 billion per year for 10 years. It also calls for $300 million in annual investment from the U.S. private sector, for a total of $1.4 billion representing 14 percent of the annual total $10 billion Alliance program.

The United States is not disbursing aid to Latin America at the rate of $1.1 billion a year—actually the best estimate for 1963 aid disbursements is $780 million—29 percent lower than our commitment and about 10 percent lower than our aid in 1961 before the Alliance got underway which was $864 million.

Of course, we are not coming anywhere near meeting the U.S. private sector portion of the Alliance program—the $300 million per year equaling 3 percent of the $10 billion per year program. This is much more serious than the numbers indicate because net new direct U.S. investment has a multiplier effect on these economies way beyond its proportion of the total investment.

From the figure for the first 9 months of 1963 we appear to be some $338 million short because rather than there being an annual investment of $300 million from U.S. private sector, there was an outflow of $38 million.

It is not hard to find the reasons for this. The rate of return on U.S. manufacturing enterprises in Latin America in the latest year for which figures are available—1962—is estimated at about 3.6 percent after the effects of currency devaluation, or only about 40 percent of the rate of return in the United States. In view of the obviously greater risks of doing business in Latin America and the comparatively much lower profitability of investments there, it is small wonder that the Alliance target for U.S. investment is not being fulfilled.

In my judgment there are only two possibilities with respect to the U.S. private sector portion of the Alliance—forget it, or have the U.S. Government enact temporary—repeat temporary—incentive measures which will entice U.S. private capital to invest in Latin America even under the conditions that one finds down there today.

Why am I so pessimistic?

Take the two largest nations in South America—Brazil and the Argentine. They account for about one-half of the total population of Latin America and 41 percent of the gross national product.

De Gaulle is worried about inflation in France and doing something about it, and yet in the last 6 years the cost of living in France rose 26 percent, while Brazil's cost of living went up about 600 percent, and Argentina's about 400 percent.

The cost of living is considered a problem in Japan, where in this 6-year period the cost of living went up 27 percent. We worry about the purchasing power of our dollar, which declined 6 percent in the same period.

In the late 1940's Brazil and Argentina had $2 billion in gold and foreign exchange reserves—now they have $670 million. At the same time their external debt has risen from just over a half billion dollars to just under $6 billion presently—almost 10 times their latest exchange reserves.

In the early 1950's service charges on external public debt represented 1 percent of Argentina's exports and 5 percent of Brazil's exports. In 1962 these figures were around 24 percent.

In 1963 the internal budget deficit in Brazil and Argentina ran at almost unbelievable levels—69 percent of revenue for Brazil and 48 percent of revenue for Argentina. This would be equivalent to our running a $50 billion to $70 billion annual internal budgetary deficit.

Since these two countries are major markets for foreign investment, I feel there is virtually no hope of meeting the U.S. private sector commitment under present circumstances.

A word about what the Communists are doing.

First, knowing that the private sector represents 75/80 percent of the economic horizon in Latin America, they are doing everything they can to discredit propertied classes, both national and foreign, so that the demands of the masses will force conditions that will make it unattractive for capital, either national or foreign, to be invested. They know that the only long-range solution to this question of massive poverty in a free democratic society is a heavy upsurge of private capital investment so they are doing everything they can to stop it. Through constantly stirring up misguided nationalistic feelings, they have succeeded in creating the false impression that Latin American governments can threaten and mistreat foreign capital, without causing serious loss of confidence of local capital. If they succeed, this takes care of the private sector which must supply 75 to 80 percent of the impetus of the Alliance for Progress program.

Secondly, they attack the United States and its motives at every turn, constantly pointing out to the masses that their plight is due to economic exploitation from the colossus in the north. Their "yanqui criminales" "Shriver and Peace Corps CIA agents" can be seen in the posters they display throughout the continent.

Thirdly, if this isn't enough, they land men and arms and train foreign saboteurs in Cuba for armed takeovers such as the recent frightening "near miss" in Caracas just before the election, where positive identification of the tons of the arms in the cache found by fishermen in Venezuela proved that the arms were made in Belgium and identified by the manufacturer as having been sold to Cuba.

What should we do?

1. Meet our $1.1 billion annual commitment and channel much more of this to private organizations that exist all over Latin America to combat communism. As to the balance-of-payment argument, about 50 percent of our aid was spent for goods and services in the United States in fiscal 1962; the estimate is 72 percent for fiscal 1964.

2. Meet the $300 million U.S. private sector commitment by taking the necessary temporary measures to make it attractive to U.S. private capital to invest in Latin America to provide the necessary jobs and training to upgrade the jobless workers found in every country. As a first measure pass immediately the 30-percent tax investment incentive credit which the Commerce Committee for the Alliance for Progress recommended over a year ago.

3. In 1962 foreign aid represented six-tenths of 1 percent of our gross national product and the corresponding figure for France was 1.4 percent, and almost unbelievably for Holland seven-tenths of 1 percent of its gross national product. Get the Latin American story across to the American public and rouse our Nation to win this struggle by properly and adequately informing our people of the circumstances, so that we will meet our commitments.

4. Lift trade barriers on manufactured goods of Latin American republics as well as on their primary materials that constitute the major part of their exports, the prices of which are subject to violent fluctuations.

The National Planning Association has estimated that Latin American exports to the United States could be increased $850 million to $1.7 billion per year by lifting restrictions.

This suggestion is in line with trade preference agreements between many of the African nations and the European Common Market as well as the British Commonwealth. We should also consider the formation of a Western Hemisphere Common Market with progressively reduced restrictions.

5. And finally let each and every one of us assume a personal responsibility toward what President Kennedy called the "greatest challenge which the United States now faces."

This struggle is not going to be won on a government-to-government basis. It will be won only if each and every one of us makes an individual contribution toward a massive effort in assisting the Latin American peoples.

We have a large number of highly organized and well-run private institutions which are doing excellent work in Latin America. The extent of their activities, however, is limited by the amount of money they can raise through private contributions. Yet these scores of voluntary groups recognize the need for people-to-people relationships with their counterpart groups in our sister republics. Business and professional groups; geographic groups such as the community adoption program now operating between California and Chile, Texas and Peru, Utah and Bolivia, Idaho and Ecuador and many others; the wonderful religious missionary groups which are going to Latin America in increasing numbers; the YM and YWCA and hundreds of others deserve our thanks and our support. They are doing a job which can't be done by governments.

As an example I would like to cite the way George Meany of the AFL–CIO approached the problem. Mr. Meany decided that one contribution he could make was to train and educate Latin American labor leaders in methods of resisting Communist infiltration and teaching them the advantages of a free democratic trade union movement.

Thanks to his efforts and the support the Institute has received from business leaders, 215 Latin American labor leaders from practically every country in the hemisphere have been brought to the Washington Center of the American Institute for Free Labor Development. These 215 trained leaders have returned to their home countries where they have trained and educated nearly 4,000 labor leaders in Latin America in newly formed institutes there which work with unions having a total membership of about 2 million.

The Institute is also arranging in collaboration with AID housing and social welfare projects. It has sponsored housing projects costing some $20 million.

In conclusion, the Latin American problem is our greatest challenge. It is characteristic of our country that once we make up our mind to do a job, we do it effectively and well. We must make up our minds to do this job, and proceed to do it quickly. Thank you.

THE INTERNAL REVENUE ACT OF 1964

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

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

There was no objection.

Mr. ALGER. Mr. Speaker, in the hope that my colleagues and others might desire some benefit from a simple explanation of the tax bill I have made this brief analysis.

Taxes at best are complicated and properly are in the realm of the tax attorney, accountant, the Internal Revenue Service, and the tax courts.

This explanation may be oversimplified, but fuller explanations may be secured from the Ways and Means Committee, the Joint Committee on Taxation, and other tax experts.

It is my expectation that Members of Congress will be asked questions by constituents that will make appropriate on occasion a simple explanation which this descriptive analysis is intended to provide.

THE INTERNAL REVENUE ACT OF 1964

THE TAX BILL AND WHAT IT DOES FOR YOU: A LAYMAN'S PRIMER

(By Congressman BRUCE ALGER, member of the Committee on Ways and Means)

The tax bill affects every citizen, both taxpayers and nontaxpayers. Everyone is affected by the inflation accompanying Government deficit-financing represented in higher prices and in reduced value of the dollar.

Taxpayers are affected by both rate changes and the so-called structural reforms. In an effort to explain the tax changes, this layman's definition is provided. It is accurate even though oversimplified. Detailed applications of the new law will involve the IRS, the courts, tax attorneys, and accountants. Right now most of us want to know, What does the bill do for me? I hope this

explanation will help you to get some understanding of it.

The tax bill is retroactive to January 1, 1964, and is based on calendar years

First, the Rate Changes

1. Individual tax rate cuts will average about 20 percent. The lowest taxable bracket drops from 20 to 16 percent in the first calendar year and to 14 percent in the second year. The top bracket drops from 91 to 77 to 70 percent. Intermediate brackets drop proportionately. (See table.) The withholding rate of 18 percent drops to 14 percent effective as of March 5, 1964.

2. Corporation taxes will drop from 52 to 50 percent the first year to 48 percent the second. Present rate of 30 percent tax on the first $25,000 plus 22 percent surtax on remainder revert to 22 percent of the first $25,000 and 28 percent surtax for remainder of the first year and 26 percent the second. Corporate fiscal years will be computed against calendar years to reach the exact percentage change. A gradual speedup of corporate tax installments will result by 1970 in all taxes being paid in the current year. Under present law these tax installments are now paid partially in the current year and partially the following year.

Tax structural changes affecting the most taxpayers include

Minimum Standard Deductions

Present law permits taxpayers to choose to itemize deductions for charity, medical expenses, mortgage interest, and other eligible outlays without dollar limit, or to claim a standard deduction of 10 percent of gross income, not exceeding $1,000 on a joint return.

A third choice is now added. The new minimum standard deductions allow the taxpayer a $300 deduction for self, plus $100 for wife and each additional exemption, and in addition to that a $600 personal exemption for each.

Example: A couple, $400 plus $600 each totals $1,600 income free.

Income averaging: If the income of an individual exceeds the average of the four preceding years by one-third and is at least $3,000 excess, the income may be averaged and taxed equally over the 5 years. This eliminates the possibility of an unusually heavy tax bite accruing the year of big income resulting in greatly reduced retained earnings.

Sick pay exclusion: Sick pay received after the taxpayer has been absent from work more than 30 days is to be excluded from income up to $100 a week. Within the 30-day period if the sick pay is 75 percent or less of the regular weekly rate, then up to $75 a week may be excluded after an absence of 7 calendar days on account of injuries or illness, and from the first day without any waiting period, if the taxpayer is hospitalized at least 1 day in the first 7.

Child care: Bigger deductions go to working mothers, widows, and widowers who pay others to care for dependent children. The present law gives a $600 deduction if joint income of husband and wife does not exceed $4,500. The new law ups this to $900 if more than one child is involved and income does not exceed $6,000. Children's qualifying age limits goes up from 12 years to 13.

Elderly taxpayers: three changes:

1. The first $20,000 profit from the sale of a residence is excluded from any capital gains tax. Also excluded is a percentage of profit over $20,000 providing the owner is 65 years or older and has lived in the home 5 of the last 8 years.

2. The 1 percent rule on drugs and medicines is repealed so that all such expenses are deductible for all those over 65.

3. The special tax credit against dividends and other investment income granted retired couples as retirement income is increased from a maximum of $1,524 to $2,286.

Moving expenses: The present law provides that a company's existing employee can exclude from taxable income moving expenses received in reimbursement for cost of moving to a new location. Now, a new employee can deduct the cost of moving to a new job site, including transportation, food, lodging, and moving goods providing his commuting distance would be increased by at least 20 miles if he did not move.

Group term insurance: Where group term life insurance premiums are paid by the company, employees must report as income those premiums paid for insurance exceeding $50,000 coverage.

Casualty losses: The old law of unlimited deduction for personal property losses from accidents, fire, storms, and thefts is changed to permit deductions only if the loss exceeds $100. (This does not apply to casualty losses by businesses.)

Dividend credit and exclusion: The exclusion of $50 dividend income per person from taxable income is raised to $100, while the 4 percent tax credit above this amount of income is cut to 2 percent the first year and eliminated entirely the second.

State and local taxes: The bill prohibits itemized deductions of State and local taxes on liquor, cigarettes, amusements, hotel rooms, driver's license and auto tags. Still deductible are State and local taxes on gasoline, sales tax, property and income taxes.

Real estate: Accelerated depreciation of real property which has resulted in converting ordinary profit into capital gain for tax purposes, is changed to permit only straight-line depreciation; defined as equal annual depreciation over the useful life of the property.

Installment sale of property: Where sellers permit payment in installments, in the future that part which represents interest must be treated as ordinary income and not capital gain as at present.

Gas and oil: The aggregation of oil and gas leases now permitted, as part of an economic unit for tax computation, will be replaced by a "no aggregation" rule so that leases are treated separately.

Stock option: A number of changes in the ground rules concerning stock options offered employees include:

(a) The option price must equal 100 percent of the market price.

(b) The stock option must be exercised within 5 years, not 10 as at present.

(c) Full capital gain can be obtained only if stock is held over 3 years.

(d) If stock option is exercised in less than 3 years, the spread between option price and market price is to be taxed as ordinary income, the tax to be levied only at time of sale.

Business travel expenses: Combined business and pleasure trips within the United States are once again deductible. (But not outside the United States.)

Additional changes: There are other changes that apply to fewer taxpayers. These include charitable contributions; U.S. expropriated property; iron ore properties; personal holding companies; investment credit; bank loan insurance.

Undesirable features eliminated: There will be those who find the new tax law acceptable and there will be those who will find it objectionable. All will agree, however, that many undesirable features were eliminated by the Ways and Means Committee during the lengthy hearings. I was glad to be in a position to help in what turned out to be the most important part of the work of the Ways and Means Committee—the defeat or change of numerous administration requests in the original bill which would have adversely affected Dallas industry and Dallas citizens. Included among the provisions knocked out:

1. Oil Taxation: Changes to reduce depletion, and capital gain at time of sale of oil properties. This would have endangered the entire industry in profit and exploration and would have hit every automobile driver by increasing prices of petroleum products, as at the gasoline pumps.

2. Elimination of deductions: To allow only those deductions which exceed the first 5 percent of taxpayers' adjusted gross income.

3. Capital gain tax at time of death or gift: A new tax, the gain on appreciation in value to be subject to capital gain tax at death or by gift.

4. Unlimited charitable deductions repealed.

5. Profit sharing and pension plans: To tax as ordinary income rather than as capital gain. (Would have resulted in huge increase in tax.)

6. Stock options: Repeal restricted stock option in entirety.

7. Dividend credit and exclusions: Repeal both the 4 percent dividend credit and the $50 exclusion. (We tried to save both. Democrats repealed the 4 percent but doubled exclusion to $100.)

8. Group term insurance: Would limit employee exclusion of premiums to only the first $5,000 of coverage, thereby forcing taxpayers to report premiums as income.

9. Sick pay: Repeal, so that sick pay would not be excluded but included as income for tax purposes.

10. Personal, casualty and theft losses: Limit such losses to amounts in excess of 4 percent of adjusted gross income. Also limited to other provision of deductions to those amounts over 5 percent. (See No. 8, first section.)

11. Timber: Change capital gain treatment to ordinary income tax for all in excess of first $5,000 which remains capital gain.

CONSTRUCTIVE ALTERNATIVES TO PRESENT LAW

The present tax law is the best we could get out of this Congress. It is far better than the original proposal offered by the administration. The five original objectives of the proposed legislation were:

1. Simplify tax law.
2. Increase economic growth.
3. Relieve unemployment.
4. Free up investment capital.
5. Increase consumer purchasing power.

Definitely, the first objective was not reached: This law makes tax computation far more complicated. The attainment of the four additional objectives is highly questionable because the new tax law greatly adds to deficit financing and inflation.

There are constructive alternatives to the new tax bill and certainly a desperate need to improve our entire tax code. I will continue to propose a number of alternatives to make our tax laws more equitable and to bring about a meaningful tax reduction in sound dollars in all brackets across the board.

My tax proposals include:

1. Earn a tax by expenditure control. This means a balanced budget and a surplus from which it will be possible to reduce the debt and make realistic tax cuts. Spending priorities must be listed, starting with the most essential needs, then following with others in order of importance. There must be closer cooperation between the Appropriations Committee, which spends the money, and the Ways and Means Committee, which raises the Government revenue.

2. Repeal all Korean wartime emergency taxes.

3. Eliminate capital gains tax entirely.

4. Replace present individual progressive rate income tax by the same flat percentage tax for all levels of income, after exemptions and business deductions. (Result would be about 20 percent for every taxpayer, releasing untold amounts of purchasing power and investment capital.)

5. Finally, eliminate individual income tax along with elimination of all business operations by Government that compete with private business endeavors. The expense of Government in business approximates the amount of money raised by individuals' income tax.

Your tax cut [1]

INDIVIDUAL

Annual income	1963 tax	1964 tax	1965 tax
$3,000	$422	$360	$329
$5,000	818	720	671
$8,000	1,540	1,372	1,280
$10,000	2,096	1,872	1,742
$15,000	3,787	3,377	3,154
$20,000	5,900	5,233	4,918
$25,000	8,324	7,409	6,982
$35,000	13,778	12,344	11,627
$50,000	22,788	20,384	19,230
$100,000	58,116	51,399	48,182
$200,000	138,280	120,081	111,070
$300,000	219,974	189,278	174,070

MARRIED COUPLE, NO CHILDREN

Annual income	1963 tax	1964 tax	1965 tax
$3,000	$300	$226	$200
$5,000	660	554	601
$8,000	1,240	1,080	1,000
$10,000	1,636	1,440	1,342
$15,000	2,810	2,501	2,335
$20,000	4,192	3,744	3,484
$25,000	5,774	5,162	4,796
$35,000	9,601	8,523	7,997
$50,000	16,648	14,819	13,964
$100,000	45,576	40,768	38,460
$200,000	116,232	102,798	96,364
$300,000	195,872	171,312	159,140

MARRIED COUPLE, 2 CHILDREN

Annual income	1963 tax	1964 tax	1965 tax
$3,000	$60	$0	$0
$5,000	420	325	290
$8,000	976	840	772
$10,000	1,372	1,200	1,114
$15,000	2,486	2,208	2,062
$20,000	3,800	3,392	3,160
$25,000	5,318	4,754	4,412
$35,000	9,037	8,031	7,529
$50,000	15,976	14,213	13,388
$100,000	44,724	40,016	37,748
$200,000	115,224	101,916	95,548
$300,000	194,804	170,374	158,300

CORPORATIONS [2]

Profit before tax	1963 tax	1964 tax	1965 tax
$15,000	$4,500	$3,300	$3,300
$25,000	7,500	5,500	5,500
$50,000	20,500	18,000	17,500
$100,000	46,500	43,000	41,500
$200,000	98,500	93,000	89,500
$500,000	254,500	243,000	233,500
$1,000,000	514,500	493,000	473,500
$2,000,000	1,034,500	993,000	953,500
$5,000,000	2,594,500	2,493,000	2,393,500
$10,000,000	5,194,500	4,993,000	4,793,500
$25,000,000	12,994,500	12,493,000	11,993,500
$100,000,000	51,994,500	49,993,000	47,993,500

[1] Tax figures assume deductions equal to 10 percent of income, or the new minimum standard deduction if this produces a lower tax in 1964 and 1965.

[2] Figures given here are tax liabilities. In actual cash payments, it will be 1971 before larger corporations realize the full benefit of the tax cuts. Reason: The new law provides for a speedup in payments, designed to shift larger companies gradually to a pay-as-you-go basis.

FBI DIRECTOR STAYS ON

Mr. BRUCE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. SCHENCK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SCHENCK. Mr. Speaker, our great Nation has been made a much better and safer place in which to live because of the ability and devoted service of J. Edgar Hoover, Director of the Federal Bureau of Investigation.

Mr. Hoover has molded and directed this great organization which has watched over the security of our entire Nation and each of our citizens 24 hours of each and every day. Few men in our history will ever do as much for each of us as has Mr. Hoover and all his associates, each of whom has been selected, trained, and worked under his personal guidance and supervision. Mr. Hoover has completely dedicated his time, his ability, and his entire life to our Nation. Tremendous achievements of him and the FBI can never be fully known nor adequately described. Within the last few days, Mr. Speaker, President Lyndon Johnson has expressed the hope that Mr. Hoover will continue as Director of the Federal Bureau of Investigation and has indicated he will soon sign an Executive order waiving the requirement with respect to Mr. Hoover that FBI employees retire at age of 70, and on January 1, 1965, J. Edgar Hoover will reach that age though no one ever meeting Mr. Hoover would have the slightest idea that he will have attained this age now. He is by far the youngest such aged man I have ever known.

Mr. Speaker, Washington Daily News Columnist Lyle C. Wilson wrote a very fitting though necessarily brief story on J. Edgar Hoover on March 9, 1964, and I ask unanimous consent Mr. Wilson's story be included herewith.

FBI DIRECTOR STAYS ON

(By Lyle C. Wilson)

President Johnson has told White House callers he hopes J. Edgar Hoover will continue as Director of the Federal Bureau of Investigation. Mr. Johnson has said that he wants Mr. Hoover to direct the FBI at least as long as he remains in the White House.

That pleases Mr. Hoover who enjoys vigorous good health. He has no desire to retire so long as he can be of service to his country. Sometime before January 1, 1965, therefore, the President will sign an Executive order waiving, with respect to Mr. Hoover, the requirement that FBI employees retire at age 70. Next New Year's day will be the Director's 70th birthday.

Mr. Hoover's age and the Federal retirement law had combined to arouse some speculation that the Director's distinguished career would end with this year. There was a bit of wishful thinking in the speculation, no doubt, because leftwingers of American politics declared open season on Hoover long ago.

American Communists constantly have campaigned to retire Mr. Hoover. They had ample cause for their anti-Hoover crusades. Under his direction the FBI became an effective and genuinely feared opponent of Communist subversion. But Mr. Hoover's enemies were not limited to the American commies.

The non-Communist left wing of American politics is a much more dangerous enemy of Mr. Hoover and of the FBI than are the Communists. The commies cannot do much beyond yapping their resentment each time the FBI turns over a Red rock to examine the insect life beneath.

The non-Communist lefties, however, often have connections in high places, sometimes including the White House. They often hold high political positions themselves. From such power points in Washington the Hoover hunt has been directed for years. Lefties in and out of the Truman administration made a big hidden play against Mr. Hoover.

They hoped to persuade Mr. Truman to impose certain rules and regulations on the FBI, the idea being that Mr. Hoover would resign rather than preside over the destruction of the Bureau by Executive order. H.S.T. was too smart for his lefty friends who sought to enlist him in the anti-Hoover movement.

Mr. Hoover probably is the best known American civil servant. Many persons familiar with government rate him the ablest administrator in public office. No public servant rates higher with Congress than does Mr. Hoover.

His direction of the FBI has not been openly challenged since the early New Deal years when the Democrats were back in power clamoring for jobs after many lean years. Chairman Kenneth McKellar, Democrat, of Tennessee, of the powerful Senate Appropriations Committee demanded FBI jobs for deserving Tennessee Democrats. Mr. Hoover balked, enraging Senator McKellar.

The Senator undertook to discipline the Director, bawling threats in a series of Senate speeches. Few men, including Presidents, could cross McKellar and get away with it. Mr. Hoover could and did. The word that Mr. Hoover will stay on the job will get no cheers from the American lefties. All other Americans are likely to applaud.

PAY RAISE BILL

Mr. BRUCE. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. SILER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SILER. Mr. Speaker, we are taking up this week for consideration and disposition the proposal to increase our own salaries to the amount of $10,000 per year.

Heretofore I have spoken against this proposal and I now reiterate and reemphasize my personal opposition to this plan for giving a second big congressional salary increase within a period of less than 10 years.

There are at least seven strong and compelling reasons why we should not engage in this salary padding for ourselves during this present session of Congress. Here are my salutary seven:

First. The Federal debt is now bigger than $300 billion and no responsible leader of this administration is offering any plan whatever to reduce this mortgage upon the homes of our children.

Second. The Federal budget is out of balance this year and was the same last year and was the same year before last and was the same most of the years in the past quarter of a century.

Third. At least 100 qualified men or women in each congressional district in the United States would gladly take the job of Representative in that district at the present salary.

Fourth. The rise in the cost of living in the past 10 years has been nothing like comparable to this proposed increase of 45 percent in a Congressman's salary.

Fifth. This salary increase for ourselves would set a very poor example of dedication and responsibility for the rest of the people for whom we must furnish daily leadership.

Sixth. No argument by Government officials against inflating the cost of living would hereafter have any validity whatever if we inflate our own pay overnight more than 45 percent.

Seventh. Exploitation of the people and self-enrichment of their officials have been the Scylla and Charybdis upon which many a ship of state has wrecked and floundered in a sea of total destruction in history's record of the past.

I hope and trust we will have the manhood, courage, and patriotism to defeat this pernicious measure against the very vitality and strength of our great Nation.

DEATH ON OUR HIGHWAYS

Mr. BRUCE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. SCHENCK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SCHENCK. Mr. Speaker, in 1956 my good friend and colleague, the gentleman from Alabama, the Honorable KENNETH A. ROBERTS, proposed the establishment of a select House Committee on Highway Traffic Safety and I was happy to join with him in urging approval of this measure.

Subsequently I was appointed a member of the committee and we operated as a part of the Committee on Interstate and Foreign Commerce. We held some very important hearings that year—first in Chicago, where we heard excellent testimony from members of the bar association, the College of Surgeons of the American Medical Association, the National Safety Council, and others. We also visited the proving grounds of the American Motors Co. at Kenosha, Wis., to see and study that company's method of testing their automobiles on a test tract which included many kinds of road conditions.

Later that year, Mr. Speaker, we spent a week in Detroit visiting the research laboratories of the three large manufacturers of automobiles and visiting their proving grounds where we saw actual crash demonstrations to show what happened when automobiles were wrecked and the consequent effect on occupants in these situations. Our committee also held hearings at the grassroots level in Dayton, Ohio; Indianapolis, Ind.; and elsewhere and learned some of the practical problems in traffic law enforcement, investigation of accidents, and some measures looking toward traffic accident prevention programs.

Our committee, a few years ago, was made a standing subcommittee of the Committee on Interstate and Foreign Commerce and was named the Subcommittee on Health and Safety. It has been my privilege to serve on this committee as its senior ranking Republican member.

Mr. Speaker, a considerable amount of good, sound, legislation has been recommended by this committee and subsequently enacted into law. One of these measures, for example, of which I have the honor to have introduced and which subsequently became known as the Schenck Act provided for very important research on the effects of automotive exhaust gases on human health. This important legislation has led to greater emphasis on the general problems of air pollution and has resulted in the approval of an extended and enlarged program in this field. In all these questions we have had the full cooperation of all segments of the automotive industry, the fuel industry, the public health officials, and the scientific community.

Our committee also, Mr. Speaker, held extensive hearings and made recommendations which led to the approval of the 1962 amendments to the Food and Drug Act. There were many other measures which could be described. Also, however, Mr. Speaker, very important improvements in automotive design and the better automobile packaging for the protection of automobile passengers have been obtained by our committee through voluntary actions upon the part of the automotive industry without being required to do so as the result of actual legislation.

Recently, Mr. Speaker, a splendid article written by Bill Chambless, paying well-deserved tribute to the ability and leadership of our committee chairman, the gentleman from Alabama, the Honorable KENNETH A. ROBERTS, was published in Minute, the magazine of Nationwide Insurance. Under unanimous consent, Mr. Speaker, I include this article as part of these remarks:

DEATH ON OUR HIGHWAYS: WHAT'S THE ANSWER?

(By Bill Chambless)

When Congressman KENNETH A. ROBERTS, of Alabama, suggested back in 1957 that automobile manufacturers install seat belts in new cars, nobody thought anything would come of it. Now (as of January 1), automobile manufacturers are installing seat belts in new cars.

There are now Federal standards for brake fluids. There were no such standards before 1962, and many accidents were caused by brake fluid failures. The legislation was introduced by Congressman ROBERTS.

There's an office in Washington that keeps files on drivers whose licenses have been suspended or revoked. State officials use the National Driver Register Service to check on driver license applicants from other States. The bill setting up the system was sponsored by Congressman ROBERTS.

This soft-spoken, amiable southerner has probably done almost as much for traffic safety as stop signs or 4-wheel brakes. As chairman of the House Subcommittee on Public Health and Safety, he campaigned so strongly for traffic safety measures that a less aggressive Congressman once complained, "That man just won't take 'wait' for an answer."

ROBERTS admits he tends to be impatient about traffic safety.

"I can't accept calmly the fact that upward of 40,000 Americans die on our streets and highways every year," he said, "—not when I know we could cut that figure way down. Since 1950, when I was first elected to Congress, more than 400,000 persons have died in traffic. I think of the good people who elected me then, the 301,000 men and women in the Fourth District of Alabama, and I'm appalled at the senseless waste of life. Do you know that most traffic victims are under 45? As a nation, we simply can't afford this loss. These are husbands, wives, youngsters—productive people with so much to contribute. Maybe we all need to get impatient; maybe then we'd find some of the answers."

ROBERTS believes the greatest need in traffic safety is public support for constructive measures.

"There's no cheap, easy road to safety," he said, "and the public is going to have to pay the bill. They may have to pay more for safer cars and better tires and better maintenance. They may have to junk some old cars that still have some miles left in them. There may be higher taxes for law enforcement, and some people with disabilities may have to give up driving. Unless people are willing to do these things, the death, and injury toll will just keep going up."

The Congressman is encouraged by the mail he receives. Seven years ago, as chairman of a special House Subcommittee on Traffic Safety, he seldom got a letter on the subject of safety. Now, stacks of letters come to him every day from all over the country—expressing concern about the accident toll, urging that something be done, pledging support. ROBERTS sees in these letters a growing demand for action and predicts that, unless State and local authorities move soon to correct abuses and strengthen laws, Federal intervention is inevitable.

As a strong believer in States rights, he isn't happy about the prospect. "I'm not one of those who believe that passing a law is an easy way to solve any and all problems," he said. "As a Nation, we don't like regulations, particularly those that lead to interference at long range by some Washington bureaucracy. But the States have responsibilities as well as rights. They have the responsibility of making and enforcing traffic laws, setting safety standards, issuing permits to qualified drivers. Most States aren't meeting these responsibilities, and it looks to me as though the Federal Government may have no choice but to step in and fill the gap."

As an example of how the States have shirked their responsibilities, ROBERTS cited the case of the Uniform Vehicle Code. Drawn up in 1926 and updated periodically since then, the code is an attempt to standardize traffic laws and ordinances, signs and signals, licensing of drivers, and other regulations and procedures.

"In the years I've been working in the highway safety field," ROBERTS said, "I have yet to meet anyone who doesn't believe adoption of the code would be a substantial contribution to safety. Yet, after 37 years, many States still haven't adopted it, and at least five States have so little interest in the code that they don't even make an effort to check proposed new laws against it."

The Congressman sees inaction such as this as almost an invitation for Federal intervention. "But in some cases there's an alternative," he said. "What happened with seat belts is an example."

ROBERTS first became interested in seat belts nearly 10 years ago, shortly after he was married. He and his wife Margaret were returning from their honeymoon trip when a truck ahead of them stopped suddenly. ROBERTS stopped, too, but the car behind theirs didn't, and there was a crash. Mrs. Roberts' arm was bruised, but her main concern was for the wedding presents in the back of the car.

"She was so upset about the china and the other things being shattered," ROBERTS said, "she didn't even want me to open the packages. But I did open them that night, and nothing was broken. That got me

thinking: if packaged china can come through a crash, why not packaged people, too? In a collision, the car stops but the passengers keep moving; that's what does the damage. I got interested in seat belts as a way to prevent this."

It wasn't long after this that scientists doing auto crash injury research at Cornell University began to reach some conclusions about seat belts. In test after test, dummies restrained by belts survived crashes without damage or with only minor damage. It was obvious that seat belts could save lives.

The researchers' findings were published, and Congressman ROBERTS' subcommittee devoted 5 days to hearings on seat belts, concluding with a recommendation that they be installed and used.

Next, Government agencies installed seat belts in their cars. Police in a number of States did the same. Individual citizens began to be interested, and groups such as the General Federation of Women's Clubs and various safety organizations came out in favor of the belts. In response to the public's interest, growing support from groups, and some pressure from other sources (including Government agencies, State and National), the auto industry installed attachments for front seat belts in 1962 cars. Finally, after Wisconsin and New York passed laws requiring belts in new cars, the industry reached a decision: they'd put seat belts in 1963 models.

"No Federal legislation was necessary," ROBERTS said. "In fact, all we've had to do is pass legislation setting up standards for the belts. I believe this approach—holding hearings or indicating concern in other ways—could be used by Congress or State legislatures more often."

Unfortunately, however, some safety measures are so badly needed that this gradual, no-laws-required method isn't very practical. A case in point: the licensing of drivers.

Many States, the Congressman believes, look on driver licensing largely as a source of revenue. Little or no effort is made to weed out unfit drivers. There's no physical examination, and no age limit.

A while back, ROBERTS was driving with his family when they came upon the scene of an accident in which several young children had been killed. The accident had been caused by an elderly man who, according to police, "had no business driving."

ROBERTS wondered what could be done about such drivers, and decided to introduce a bill requiring that a person driving in interstate commerce have a permit from a State whose driving licensing law agrees with licensing provisions of the Uniform Vehicle Code.

The bill raised a storm of protest.

"They said it was interference with States rights," ROBERTS said, "but I don't see it that way. The code's licensing requirements aren't drastic, but they would keep many unfit drivers off the highways. If a State adopted such a licensing law—which they should have done long ago anyway—there'd be no problem."

ROBERTS plans to keep pressing for the law, since there's little or no indication that States are concerned enough about licensing inadequacies to act on their own.

Another area where Federal action may be required, the Congressman believes, is the designing of safer cars. For several years, he has tried to get Congress to act on a bill setting minimum safety standards for Government-owned cars. This, he believes, would set a good example for the auto industry and would lead to safety improvements on all cars.

"The industry is doing a better job in this area every year," he said, "but there's room for much improvement. Several years ago the American Medical Association recommended eight safety features that would save thousands of lives—improved door locks, crash padding, safer steering wheels, safety glass all over, eliminating protruding knobs and handles, and so forth. Some of these wouldn't cost any more than what's being used now, but the industry hasn't paid much attention.

In research, too, ROBERTS believes the Federal Government could meet a need. His proposed National Accident Prevention Center would coordinate research efforts and promote more research by public and private agencies.

"We simply don't know enough about the causes of traffic accidents to find the cure," he explained. "When a plane crashes, we spend an average of $100,000 per victim to find out why, but in a fatal auto crash less than five dollars per victim is spent to determine the cause. The result is, we're in the dark about a lot of things connected with the 'whys' and 'hows' of traffic deaths. How can you solve a problem when you don't know what the problem is? Safety legislation can only be effective if it's based on reality."

Is there anything the individual citizen can do to promote effective traffic safety legislation?

"Definitely yes," Congressman ROBERTS said. "They can care about the awful toll of deaths and injuries. That's the start. Then they can organize safety groups, they can write letters to their legislators and Congressmen. This is an area where the public can have tremendous influence. With their support, I have no doubts in the world that we can save thousands of lives each year."

WARNING—ECONOMIC CRISIS AHEAD?

Mr. BRUCE. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, Mr. William Jackman, president of Investors League, Inc., America's oldest and largest union of investors, has brought to my attention a copy of a recent address by Virgil B. Day, vice president of General Electric Co., before a conference of the American Management Association in Chicago. In this important address, Mr. Day poses some very important questions that require the sober consideration of American management and the American people. The basic issue: what happens to the American worker and the American investor if we permit soaring costs to price us out of the ability to compete in the world markets? What happens to our balance-of-payments deficits? What happens to job opportunities at home? This address poses problems of grave importance to our legislators and our people. For this reason, under unanimous consent, I insert Mr. Day's address in the RECORD as follows:

LABOR-MANAGEMENT RELATIONS IN A NEWLY COMPETITIVE WORLD

(By Virgil B. Day)

It is not my intention today to take you back to the "roaring twenties," when people finally decided they could no longer tolerate Al Capone and gangster power. I do want to take you back at least for a moment to the "roaring fifties"—that period when many industrial relations practices laid the foundation for some of our national and individual company economic problems today.

Round after round of inflationary pay increases throughout this entire period, loss of management rights and flexibility in running our business through restrictions negotiated into our union agreements, and still further concessions resulting in low work standards and low effort levels—these are the practices for which as a nation we paid the price in years of inflation, a less-than-needed rate of economic growth, a too-high rate of seemingly incurable unemployment, a trend of disappearing profits, and dislocations to many communities as companies struggled for survival.

It took America some 15 years to see the error of these ways. Sobered by the end of the fifties, we seemed by 1960 to have awakened at last to the danger of our course. We made at least some attempts to restrict the pace of inflationary pay increases. We made at least some attempts to correct the practice of restricting growth and productivity.

But my concern today is that we didn't really learn our lesson—that, as we face the impact of the newly competitive international market, we may repeat many of the errors of those "roaring fifties"—and pay the price again.

The price we paid for the errors of the fifties was a costly one. But the price we could be called upon to pay a few years hence, if we now repeat these errors, would make this previous penalty look small indeed. For the international market into which we are now being so vigorously thrust will lack the tolerance shown so long by our own American consumer in footing the bill for ever-rising costs. And, if a new economic hangover should result for us, the old hair-of-the-dog inflationary revenues will only intensify our economic headaches.

Looking beyond our shores, what kind of a world lies just ahead? Certainly a world in which mass production and mass consumption on a vast new scale are bursting into flower. Certainly a world of exciting business opportunities for those wise enough to grasp them. And, as our own history suggests, the principal beneficiaries of this progress will be the common man all around the world. As the standard of living continues to rise, the greatest beneficiaries of this new affluence will be the lowest income groups of today.

What we see going on now is impressive worldwide growth trends. For example, in the Common Market—the six countries of the European Economic Community—our company's economists have estimated that growth in output during this decade will be about 60 percent, compared with just 44 percent estimated for the United States. Because of relatively slower population increase, per capita consumer spending in the EEC in the sixties will increase more than twice as fast as it will in the United States.

For businessmen with products and services to sell, these trends have market opportunities which it would be foolishly unbusinesslike to ignore. But no less important is another basic fact which lies behind these figures—the other side of this coin. In Western Europe as well as in Japan and elsewhere, all of us face aggressive and effective competitors, highly mobile and realistic in their pursuit of growth opportunities wherever they may find them, including our own domestic markets.

The two-sided nature of this beast is well illustrated in the electrical industry with which I am associated. We have been in the past accustomed to thinking of our competitors in the electrical industry as those domestic companies, the names of which are so familiar in American homes and business. But the new fact is that the world-

wide competitive arena confronts us with a whole new range of rivals dedicated to growth and hungry for business.

One Dutch electrical manufacturer manufactures lamps, radio-TV, appliances, tubes, chemical materials, wire computers, X-ray equipment, electronic instruments, with at least four separately identifiable products being manufactured in each of the following countries—Netherlands, Argentina, Australia, Belgium, Brazil, Canada, Colombia, France, India, Italy, Mexico, Spain, Sweden, Switzerland, United Kingdom, and West Germany—with other operations in Africa, Chile, Turkey, and a country called the United States; that is, on every continent of the world save Antarctica.

Other such diversified electrical manufacturers, operating worldwide, have their home offices in England, West Germany, Switzerland, Japan. We in the United States have led the world so long in mass production and consumption we somehow feel as though our right to keep this lead was preordained. But these new aggressive foreign competitors just don't see it that way. They are knocking on any door—seeking our customers—and the knocking is getting more insistent.

In this newly competitive world, the margin for error is reduced to the vanishing point. It becomes imperative that we managers learn to anticipate the main problems confronting our businesses, and move to meet those problems effectively without waiting around to react to what others propose. Nowhere is this more true than in the field of labor-management relations.

The management of our human resources—the creative leadership of people—is the prime area where we can win or lose this battle. Our strengths in management and in utilizations of people can be a counter to the dramatically lower wage costs and other advantages of the foreign competitors. As never before, we must understand the impact of our action—or failure to act.

In labor-management relations, some of the critical decisions involve national policy action; others equally critical must be faced in our own operations "back at the ranch."

At the national level the main issues appear clear:

One. How can a restraining hand be held on excessive wage demands?

One tangible evidence of the Government's evident concern is the Wage Guidepost issued by the President's Council of Economic Advisers—recommending an upper limit of around 3 percent a year in average compensation increases (including benefits) across the country—on the theory that such a rate of increase would not exceed the average rate of gain in productivity—and thus be noninflationary.

But is this theory adequate for our times? Or is it designed to solve just the problem of the 1950's—the problem of inflation—instead of the additional problem of the 1960's—the more rigorous demands of international competition which indicate the need for more realistic guidelines.

Two. A second critical national issue involves Government concern over automation, and the direction and thrust of that concern. It is encouraging to see evidence of appreciation of the need for and beneficial effects of automation. But what we need today is not mere grudging, foot-dragging acquiescence. What we need is strong and vigorous support for new investment in modern plant and more productive tools and processes. The plants of many of our foreign competitors are models of the most advanced tools and facilities—in many cases more modern than our own.

To an important degree, our foreign competition and unemployment problems today are due to that fact that we have not automated—or mechanized—our operations fast enough. For us in the United States, automation is the key to growth, to higher living standards, to jobs, and to all our hopes for bringing that one-fourth of our population we call "underprivileged" up into the age of affluence.

No Presidential commission is needed to tell us what economics and experience have already taught us so well: that automation and other means for strengthening productivity are essential to growth. Nor should we need to be reminded of the reason cited by Premier Khrushchev to support his boast that communism would outstrip us industrially. "Because," argued Khrushchev, "you are afraid of automation. We welcome it and need it."

Three. Government policy, as administered by the National Labor Relations Board. Some have said—and I am inclined to agree—that the NLRB today seems to be largely reverting to solving the problems of the 1930's. Promoting the welfare of a newly formed and struggling union movement was then the admitted objective—"unionism for the sake of unionism." Surely that day—and that need—are long since past. The need of the Nation today is for management, employees, unions, and Government, working together, to strengthen the ability of American enterprise to cope with competition—to eliminate outmoded and inefficient standards, practices, and methods.

Certainly this requires management today to keep employees fully informed on the needs and problems of the business, their successes and failures in meeting competition; arousing employee interest, concern, and cooperation in the mutual problems of management and employees. But the NLRB seems to be worried that responding to this need is somehow antiunion.

As many of you know, one of the unions with which General Electric bargains has challenged the company's freedom to communicate with employees, by bringing an unfair labor practice charge before the NLRB following an unsuccessful 3-week strike back in 1960. An intermediate report by an NLRB trial examiner has supported this charge. If supported by the Board—and accepted by the courts—this challenge to management's right to communication with employees could be disastrous. The central issue, of course, is the right of free speech and employees' "right to know" management's views as well as the union view about business facts affecting their jobs.

Four. Out of many other national policy issues of importance, let me cite just one more because it has recently loomed to the fore: legislative proposals affecting overtime rates. All of us are in full sympathy with the objective of reducing unemployment. But double or triple rates for overtime, whether legislated or negotiated, will not cause significant new hiring through sharing of work; simply will not move the unemployed coal miner to a job in Detroit; it will not give an unskilled worker a few hours of a skilled machinist's job. What it will assuredly do is (1) add to industry's costs, and (2) restrict the enterprise's flexibility and footwork in responding to competitive challenges, which could mean fewer jobs.

Obviously, then, we have a tremendous job to do at the national level alone in educating all concerned to the dangers and to the opportunities we face in this newly competitive world. Make no mistake about it, this is our job—yours and mine, and all of us working in industrial relations. We cannot pass the buck to someone else—to some other management function in our businesses, or to our trade associations. Nor can we blame our public servants if we fail to keep them informed of the problems we are facing. Our national economic studies will be more realistic if each of us will study with vision the needs of our individual companies over the next decade—and then make these needs clearly known at national policy levels.

Meanwhile, on our individual day-to-day jobs as industrial relations managers, we have an equally important role to play. Let's look at a few present-day responsibilities of industrial relations professionals.

One. The need for management regaining initiative in keeping wage and benefit settlements turned to current competitive realities.

We are all too familiar with the dreary ritual of management sitting quiet for months in advance of a collective bargaining session while a union vigorously marshals its case among employees and the public on behalf of a long list of elaborate "demands."

One result of this approach to bargaining has been that many employers have reluctantly agreed to contracts which they knew, as they signed them, were unsound for all concerned, but which they were powerless to prevent because they had previously forfeited the initiative to others and allowed employees and the public to be sold on the proposition that no alternative was acceptable—the old "inevitability" game.

It would seem that the pattern cannot be broken unless management, with its responsibility for the longrun health and competitive capability of the business, embarks on vigorous and persuasive communication of its own as to the hard facts of competition, the effects of cost factors on the job-making function of the enterprise.

Two. The need for restraining the forces of pattern bargaining, which attempt to make each settlement the basis for bargaining demands elsewhere.

I am sure, for example, that many of you who face competition from oversea producers whose labor costs are a fraction of yours must join me in chagrin when we read some of the rumbles emanating from Detroit as next summer's auto negotiations approach—such as the Wall Street Journal's story of 2 weeks ago that the United Auto Workers' demands may involve such items as "higher overtime pay, easier work standards, and liberalized pension provisions—upward revision in the 'annual improvement factor'—triple time for all work on Sundays and holidays—longer vacations." Such reports suggest a scale of settlement which, whatever its effects within that particular industry, could be spread to some of the rest of us only at the expense of our ability to compete against the newly competitive world forces.

Mr. Reuther is now claiming exemption from the administration's 3-percent wage-and-benefit guidepost, asserting that bargaining outside this range is proper if price boosts do not result in the auto industry. This is obviously a misreading of the concept first spelled out by the President's Council of Economic Advisers in 1962, and restated again in President Johnson's economic report to Congress. The Council has recognized that, as the history of bargaining in the fifties demonstrated, a settlement in one prominent industry on the basis of ability to pay soon becomes the basis for bargaining in others regardless of the cost-push impact on prices in those other industries. One can only question whether these guideposts can really mean anything at all if any party to a bargaining situation as conspicuous as auto can find whatever exemption he needs.

Three. A third management responsibility relates to the clearly felt need of employees for some measure of economic security consistent with the flexibility required of a dynamic, responsive society. Especially since the great depression imprinted its stamp on a generation, industrial employees have shown continuing concern for economic security in an age of complexity and change. The question for management has become: Can we come up with sound ways of meeting our employees' concern for greater economic security? Or will we sit back and

allow others to formulate proposals for economic security and impose them on us—proposals which will be shaped by what seems politically attractive in the short run, regardless of whether they are economically workable.

These proposals may be forced at us either across a bargaining table—for example, the original formulations of the misnamed "guaranteed annual wage" during the mid-fifties or some of the more recent schemes for dealing with automation—or these proposals may come at us in the legislative halls, like the new scheme seeking to reduce unemployment by unsound approaches such as doubling overtime rates or otherwise trying to make water run uphill.

Back at the ranch, there are things we all can do.

For example, this week about 190,000 General Electric employees will be receiving about 500,000 shares of General Electric stock, and over 1,600,000 U.S. savings bonds, as one of the annual distributions under our employees' savings plans. They saved this money voluntarily 3 to 5 years ago and have right now on deposit 3 to 5 years' savings. This is self-protection, encouraged by sound payroll deduction savings plans, and matched by company contributions of up to 50 percent.

Likewise, in 1960, we were able to develop with our unions a new approach to employment and income security, which we call income extension aid. This plan has features for occupational mobility (retraining) and geographic mobility (lump-sum payments of the total benefits) that try to be responsive to the needs of our employees. I understand that these concepts are now figuring prominently in discussions on Government legislation to aid the unemployed.

Let me, then, summarize my message. This changing world of tomorrow, this newly competitive world, radically rewrites the job description for all of us in labor-management relations. Under the new terms, the contribution which it is our responsibility to make now becomes central to the ability of our respective businesses to meet their goals.

In labor-management relations, it is time for businessmen to take the initiative and stop negatively reacting to what others set in motion. Change is inevitable—it is the direction and source of change which is by no means predetermined. It is the businessman's job, in human relations no less than in marketing and technological fields, to make himself an agent of change and, guided by perspective on the kind of world we face 10 years out and more, an agent of the right kind of change—progress rather than retrogression.

In practical terms, there is much we can do back at the ranch that can make not only significant contributions toward solving problems at the local level, but can help guide national policy in the proper direction. All too often what passes for an employee relations policy is nothing more than a purely defensive, passive reaction to forces initiated by others.

Too often, we feel we are the helpless victims of national labor policy formulated by someone else, or pattern settlements negotiated by someone else. Too often, we feel that the only way that we shape outside forces is through employer associations at the local, State, or National level. These associations can be mighty helpful, to be sure, so long as we do not think of them as comfortable excuses for abdicating our own responsibilities for doing what we can do ourselves in our own businesses, with our own employees and neighbors, back at the ranch.

This is not a program that will always bring you easy popularity or avoid the rigorous requirements of doing your own homework and being willing to take on difficult or controversial issues. But, as Bette Davis so succinctly put it: "The best fruit is what the birds pick at."

SELLING WHEAT AND BARGAINING WITH THE RUSSIANS A MISTAKE?

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

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

There was no objection.

Mr. BENNETT of Florida. Mr. Speaker, one of the most vital questions before the world and our country today is whether or not the free world should trade with the Russian Empire and its satellites. There are advantages and disadvantages for each side in either course.

I have never favored selling wheat to Russia because I have always felt that even if wheat has been declared by our Department of Defense to be a nonstrategic material in the present circumstances, as it has, the sales would make it very difficult for us to hold the line with our allies on goods that are in fact of great strategic importance. Based on this reasoning I voted against the use of Export-Import Bank guarantees where the issue was one of congressional policy only. However, when the issue was amended to put the responsibility on the shoulders of the President to report to Congress that any particular sale is in the national interest of our country, I voted to allow the President to continue to have this power which his office had possessed and used for a decade or more. The reason why I cast this vote was that I thought that so shortly after the assassination we should not weaken but should instead strengthen the international image of our new President, thus advancing our Nation's position in the world. I still feel that selling wheat to Russia is a mistake.

The news wires have just now reported the shooting down of an Air Force plane over East Germany. The details and even the fact of this incident have not yet been made certain as I speak. However, even if it has not occurred an incident of this nature has already very recently taken place in the same area, with three fine Americans killed on a peaceful, accidental flyover.

This is an excellent time to give notice that America will sell no more wheat nor extend any trade opportunities between our Nation and the Soviet Empire so long as these dastardly and barbaric attacks are made on our nonbelligerent plane flights, whether accidentally occurring or not.

TO PROVIDE RELIEF TO AMERICAN NATIONALS SUFFERING LOSSES IN CASTRO'S CUBA

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FASCELL. Mr. Speaker, I am today introducing a bill to provide realistic relief to American nationals who suffered expropriation of their property at the hands of the Castro Communist government in Cuba. My bill provides for adjudication of claims of American nationals against the Government of Cuba and provides for payment of claims from Cuban assets seized by the U.S. Government.

Mr. Speaker, as I predicted when Castro began his expropriation of American-owned property, no meaningful effort has been made to reimburse American owners.

Recently, overtures have been made by Castro to the Shell Oil Co. in London regarding compensation for expropriation of the Shell refinery in Cuba, but we must not expect that he will willingly compensate Shell for their losses. Furthermore, it must be remembered that even this weak and very late offer comes only after the British began selling buses to Castro.

This latest statement is just a propaganda move on Castro's part in an effort to legitimatize or naturalize his governmental relations with other governments.

It is naive to presume that further delay will permit more proper adjudications. With the passage of time it will become more and more difficult to obtain records, witnesses, and evidence to substantiate claims. At present, claims may be filed with the Department of State—and that is exactly what happens to them. They are filed without comment and that is the end of it.

Furthermore under present procedures claims can be settled only by country to country negotiations. None have been entered into for this purpose and there is little likelihood that such negotiations will be started.

Thus after more than 5 years, no means exists whereby these thousands of Americans who lost their land, their homes, their small businesses, or other personal effects may have their claims adjudicated and look forward to the day when they will have the means to start over.

A great reservoir of talent now lies dormant because many of these citizens are without economic means to start over; yet, especially in Latin American countries, they could play a vital part in our oversea economy, just as they did in Cuba. The loan provisions of my legislation would give them this opportunity and at the same time stimulate new activity and growth under the Alliance for Progress.

The United States has already acted to relieve the big American-owned corporations of their basic losses in Cuba by way of tax writeoffs, but the individual is still without redress. Many of these citizens were forced to flee the island of Cuba with only the clothes they wore. It is about time our country examined the plight of these Americans as we have done for others.

Machinery now exists in the Foreign Claims Settlement Commission to adjudicate these claims. Since its establishment in 1949, the Commission has adjudicated millions of dollars in losses suffered by Americans in Czechoslovakia, Poland, and Hungary.

Mr. Speaker, I have long been interested in assisting these American citizens. A great deal of interest in remedial action has also been forthcoming from individuals and groups. The Cuba Claims Association of Miami, a nonprofit organization headed by Clarence W. Moore, publisher of the now exiled Times of Havana, represented the first collective effort on the part of U.S. citizens to obtain adjudication of their losses.

I believe this legislation represents an equitable solution to their dilemma.

H.R. 10327

A bill to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of American nationals against the Government of Cuba; to provide for payment of such claims; and to provide that the uncompensated portion of approved claims may be the collateral for certain loans made to claimants by the Secretary of State

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Claims Settlement Act of 1949 is amended by adding at the end thereof the following new title:

"TITLE V

"Purpose of title

"SEC. 501. It is the purpose of this title to provide for the determination of the amount and validity of claims against the Government of Cuba arising since January 1, 1959, out of confiscation of, or special measures directed against, property of American nationals, and claims for disability or death of American nationals arising out of violations of international law by the Government of Cuba, in order to obtain information concerning the total amount of such claims to be presented against the Government of Cuba on behalf of American nationals, to provide for payment of such claims to the maximum extent possible, and to provide that the value of approved claims shall be certified to the Secretary of the Treasury.

"Definitions

"SEC. 502. For the purposes of this title—

"(1) The term 'national of the United States' means (A) a natural person who is a citizen of, or who owes permanent allegiance to, the United States, or (B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are either citizens of, or who owe permanent allegiance to, the United States own, directly or indirectly, twenty-five per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity. The term does not include aliens.

"(2) The term 'Commission' means the Foreign Claims Settlement Commission of the United States.

"(3) The term 'property' means any property, right, or interest, including any leasehold interest.

"Receipt of claims

"SEC. 503. (a) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959, for losses resulting from the nationalization or other taking of property including any rights or interests therein owned at the time by nationals of the United States, if such claims are submitted to the Commission within six months after the date of enactment of this title, or within six months after the date such property was taken from the claimant (as determined by the Commission), whichever date last occurs.

"(b) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959, for disability or death resulting from actions taken by or under the authority of the Government of Cuba, if such claims are submitted to the Commission within six months after the date of enactment of this title, or within six months after the date the claim first accrued to the claimant (as determined by the Commission), whichever date last occurs.

"Ownership of claims

"SEC. 504. (a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned by a national of the United States on the date of nationalization or other taking thereof and unless the claim has been held by a national of the United States continuously thereafter until the date of filing with the Commission.

"(b) A claim for disability shall not be considered under section 503(b) of this title unless filed by or on behalf of the disabled person. A claim for death under such section shall not be considered unless filed by or on behalf of the widow or widower, child or parents of the deceased person.

"Corporate claims

"SEC. 505. (a) A claim under section 503 (a) of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall not be considered.

"(b) A claim under section 503(a) of this title based upon a direct ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be considered, subject to the other provisions of this title, if such corporation, association, or other entity on the date of the nationalization or other taking was not a national of the United States, without regard to the per centum of ownership vested in the claimant.

"(c) A claim under section 503(a) of this title based upon an indirect ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or taking of such corporation, association, or other entity, or the property thereof, shall be considered, subject to the other provisions of this title, only if at least twelve and one-half per centum of the entire ownership interest thereof at the time of such nationalization or other taking was vested in nationals of the United States.

"(d) The amount of any claim covered by subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant bears to the entire ownership interest thereof.

"Offsets

"SEC. 506. In determining the amount of any claim, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses.

"Action of Commission with respect to claims

"SEC. 507. The Commission shall certify to each individual who has filed a claim under this title, and to the Secretary of the Treasury, the amount determined by the Commission to be the loss or damage suffered by the claimant which is covered by this title.

"Cooperation with Department of State

"SEC. 508. The Secretary of State shall transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title as may be required by the Commission in carrying out its functions under this title.

"Application of other laws

"SEC. 509. To the extent they are not inconsistent with the provisions of this title, the following provisions of title I of this Act shall be applicable to this title: Subsections (b), (c), (d), (e), (h), and (j) of section 4.

"Cuba claims section

"SEC. 510. In carrying out the provisions of this title, the Commission shall establish a special Cuba claims section for the purpose of adjudicating claims submitted to the Commission under this title.

"Cuban Claims Compensation Fund

"SEC. 511. (a) Any property which was blocked in accordance with the Cuban Assets Control Regulations, July 8, 1963 (31 C.F.R., Part 515 et seq.), and which remains so blocked six months following the date of enactment of this title shall vest in such officer or agency as the President may from time to time designate upon such terms as the President or his designee shall direct. Such property shall be sold or otherwise liquidated as expeditiously as possible after vesting under such rules and regulations as the President or his designee may prescribe. The net proceeds remaining upon completion of the administration and liquidation thereof, including the adjudication of any suits or claims with respect thereto under section 512 of this title, shall be covered into the Treasury. Notwithstanding the preceding provisions of this subsection, the ownership of any such property determined by the President or his designee to have been transferred on or after January 1, 1959, to the Cuban government or to any of its agencies from ownership of a national of the United States by nationalization, expropriation, intervention or any other similar act of the Cuban government shall not be vested under this subsection, but shall remain blocked subject to release when, as, and upon such terms as the President or his designee may prescribe.

"(b) There is created in the Treasury of the United States, from the funds covered into the Treasury pursuant to subsection (a) of this section or from any other funds authorized for this purpose, a fund to be designated the Cuban Claims Compensation Fund, for the payment of unsatisfied claims of nationals of the United States against Cuba as authorized in this title.

"(c) The Secretary of the Treasury shall deduct from the Cuban Claims Compensation Fund 5 per centum thereof as reimbursement to the Government of the United States for the expenses incurred by the Commission and by the Treasury Department in the administration of this title. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

"(d) The President or his designee may require any person to furnish, in the form of reports or otherwise, complete information, including information with regard to past transactions, relative to any property blocked under the Cuban Assets Control Regulations, as amended, or as may be otherwise necessary to enforce the provisions of this section; and the President or his designee may require of any person the production of

any books of account, records, contracts, leases, memoranda, or other papers relative to such property or as may be otherwise necessary to enforce the provisions of this section.

"Claims to vested property

"SEC. 512. (a) Any person who has not filed a notice of claim under subsection (b) of this section may institute a suit in equity for the return of any property, or the net proceeds thereof, vested in a designee of the President pursuant to section 511 of this title and held by such designee. Such suit, to which said designee shall be made a party defendant, shall be instituted in the district court of the United States for the district in which the claimant resides, or, if a corporation, where it has its principal place of business, by the filing of a complaint which alleges—

"(1) that the claimant is a person other than Cuban or a blocked national thereof under the Cuban Assets Control Regulations of July 8, 1963, as amended; and

"(2) that the claimant was the owner of such property immediately prior to its vesting, or is the successor in interest of such owner by inheritance, devise, or bequest. If the court finds in favor of the claimant, it shall order the payment, conveyance, transfer, assignment, or delivery to said claimant of such property, or the net proceeds thereof, held by said designee or the portion thereof to which the court shall determine said claimant is entitled. If suit shall be so instituted, then such property, or, if liquidated, the net proceeds thereof, shall be retained in the custody of said designee until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied, or until final judgment or decree shall be entered against the claimant or suit otherwise terminated.

"(b) Any person who has not instituted a suit under the provisions of subsection (a) of this section may file a notice of claim under oath for the return of any property, or the net proceeds thereof, vested in a designee of the President, pursuant to section 511 of this title and held by such designee. Such notice of claim shall be filed with said designee and in such form and containing such particulars as said designee shall require. Said designee may return any property so claimed, or the net proceeds thereof, whenever he shall determine—

"(1) that the claimant is a person other than Cuba or a blocked national thereof under the Cuban Assets Control Regulations of July 8, 1963, as amended; and

"(2) that the claimant was the owner of such property immediately prior to its vesting, or is the successor in interest of such owner by inheritance, devise, or bequest.

Any person whose claim is finally denied in whole or in part by said designee may obtain review of such denial by filing a petition therefor in the United States Court of Appeals for the District of Columbia Circuit. Such petition for review must be filed within sixty days after the date of mailing of the final order of denial by said designee and a copy shall forthwith be transmitted to the said designee by the clerk of the court. Within forty-five days after receipt of such petition for review, or within such further time as the court may grant for good cause shown, said designee shall file an answer thereto, and shall file with the court the record of the proceedings with respect to such claim, as provided in section 2112 of title 28 of the United States Code. The court may enter judgment affirming the order of the designee; or, upon finding that such order is not in accordance with law or that any material findings upon which such order is based are unsupported by substantial evidence, may enter judgment modifying or setting aside the order in whole or in part, and (A) directing a return of all or part of the property claimed, or (B) remanding the claim for further administrative proceedings thereon. If a notice of claim is filed under this subsection, the property which is the subject of such claim, or, if liquidated, the net proceeds thereof, shall be retained in the custody of said designee until any final order of said designee or any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied, or until a final order of said designee or a final judgment or decree shall be entered against the claimant, or the claim or suit otherwise terminated.

"(c) The sole relief and remedy of any person having any claim to any property vested pursuant to section 511 of this title shall be that provided by the terms of subsection (a) or (b) of this section, and in the event of the liquidation by sale or otherwise of such property, shall be limited to and enforced against the net proceeds received therefrom and held by the designee of the President. The claim of any person based on his ownership of shares of stock or other proprietary interest in a corporation which was the owner of property at the date of vesting thereof under section 511 of this title shall be allowable under subsection (a) or (b) of this section if 25 per centum or more of the outstanding capital stock or other proprietary interest in the corporation was owned at such date by nationals of countries other than Cuba.

"Payment of debts; claims allowable

"SEC. 513. Any property vested in the designee of the President pursuant to section 511 of this title, or the net proceeds thereof, shall be equitably applied by such designee in accordance with the provisions of this title to the payment of debts owed by the person who owned such property immediately prior to its vesting in such designee. No debt claim shall be allowed under this section if it is asserted against Cuba (including the government or any political subdivision, agency, or instrumentality thereof), or if it is based upon an obligation expressed or payable in any currency other than the currency of the United States, or if it was not due and owing on July 8, 1963. Any defense to the payment of such claim which would have been available to the debtor shall be available to the designee except that the period from and after July 8, 1963, shall not be included for the purpose of determining the applicability of any statute of limitations. Debt claims allowable under this section shall include only those of natural persons who were citizens of the United States at the dates their debtors became obligated to them; those of other natural persons who are or who have been continuously since July 8, 1963, residents of the United States; those of corporations organized under the laws of the United States or any State, territory, or possession thereof, or the District of Columbia; and those acquired by the designee of the President under this title. Successors in interest by inheritance, devise, bequest, or operation of law to debt claimants, other than persons who would themselves be disqualified hereunder from allowance of a debt claim, shall be eligible for payment to the same extent as their principals or predecessors would have been.

"Application of other laws

"SEC. 514. To the extent they are not inconsistent with the provisions of this title, the following provisions of title 2 of this Act shall be applicable to this title: section 203, section 204, section 205, section 206, subsections (b), (c), (d), (e), (f), (g), (h), and (i) of section 208, section 211, section 212, section 214, and section 215.

"Hearings on claims; rules and regulations; delegation of powers

"SEC. 515. The officer or agency designated by the President under this title to entertain claims under sections 512(b) and 513 of this title shall have power to hold such hearings as may be deemed necessary; to prescribe rules and regulations governing the form and contents of claims, the proof thereof, and all other matters related to proceedings on such claims; and in connection with such proceedings to issue subpenas, administer oaths, and examine witnesses. Such powers, and any other powers conferred upon such officer or agency by sections 512(b) and 513 of this title may be exercised through subordinate officers designated by such officer or agency.

"Limitations

"SEC. 516. No suit may be instituted pursuant to section 512(a) of this title after the expiration of one year from the date of vesting of the property in respect of which relief is sought. No return may be made pursuant to section 512(b) of this title unless notice of claim has been filed within one year from the date of vesting of the property in respect of which the claim is filed.

"Determination of expenses and time for filing suit; notice of claim and debt claim

"SEC. 517. Prior to covering the net proceeds of liquidation of any property into the Treasury pursuant to section 511(a) of this title, the designee of the President under this title shall determine—

"(1) the amount of his administrative expenses attributable to the performance of his function under this title with respect to such property and the proceeds thereof. The amount so determined, together with an amount not exceeding that expended or incurred for the conservation, preservation, or maintenance of such property and the proceeds thereof, and for taxes in respect of same, shall be deducted and retained by the designee from the proceeds otherwise covered into the Treasury; and

"(2) that the time for the institution of a suit under section 512(a) of this title, for the filing of a notice of claim under section 512(b) of this title, and for the filing of debt claims under section 513 of this title has elapsed.

The determinations of the designee under this section shall be final and conclusive.

"Payment of awards; manner of payment

"SEC. 518. (a) The Secretary of the Treasury is authorized and directed, out of the sums covered into the Cuban Claims Compensation Fund, to make payments on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

"(1) Payment in the amount of $1,000 or in the amount of the award, whichever is less.

"(2) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to this title which shall bear to such unpaid balance the same proportion as the total amount in the fund available for distribution at the time such payments are made bears to the aggregate unpaid balance of all such awards.

"(b) Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury shall prescribe.

"(c) For the purpose of making any such payments, an 'award' shall be deemed to mean the aggregate of all awards certified in favor of the same claimant.

"(d) If any person to whom any payment is to be made pursuant to this title is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over $1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General of the United States to be

entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates.

"(e) Subject to the provisions of any claims agreement hereafter concluded between the Governments of Cuba and the United States, payment of any award pursuant to this title shall not, unless such payment is for the full amount of the claim, as determined by the Commission to be valid, with respect to which the award is made, extinguish such claim, or be construed to have divested any claimant, or the United States on his behalf, of any rights against any foreign government for the unpaid balance of his claim.

"(f) The Secretary of the Treasury shall certify to the Secretary of State the aggregate amount paid from the Cuban Claims Compensation Fund to each claimant to whom an award is made.

"Fees of attorneys; limitation; penalty

"SEC. 519. No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

"Loans to claimants

"SEC. 520. (a) In any case in which the Foreign Claims Settlement Commission has approved the claim of any claimant under title V of the International Claims Settlement Act of 1949 and has certified to the Secretary of the Treasury the amount thereof, the Secretary of the Treasury shall certify to the Secretary of State (hereafter in this section referred to as the "Secretary") the aggregate of amounts paid to such claimant from the Cuban Claims Compensation Fund established by section 511 of title V of such Act. The Secretary is authorized, subject to the provisions of this section, to make a loan to any such claimant who makes application therefor in the manner prescribed by the Secretary. The value of the unpaid claim of the claimant shall be the only collateral required for any loan made under this section.

"(b) No loan made under this section shall exceed an amount equal to 30 per centum of the unpaid claim which is the collateral for such loan; except that, if the loan is made to a claimant who presents to the Secretary a project which would be an acceptable project under the Alliance for Progress program, as administered pursuant to the provisions of title VI of part I of the Foreign Assistance Act of 1961, and who agrees to use such loan to carry out such project, the loan shall not exceed an amount equal to 80 per centum of the unpaid claim which is the collateral for such loan.

"(c) Each loan under this section which does not exceed an amount equal to 30 per centum of the unpaid claim shall be for such period of time as the Secretary determines to be appropriate, taking into consideration the circumstances involved in such loan, but in no event shall such loan extend for a period of more than ten years after the unpaid claim which is the collateral for such loan has been satisfied by full payment thereof. In any case in which the property which was the subject of the unpaid claim is returned to the claimant while the loan for which such claim is the collateral is still outstanding, such loan shall not become due and payable before the expiration of the ten-year period following the date the property was returned to the claimant (as determined by the Secretary).

"(d) Each loan made under this section which does not exceed an amount equal to 30 per centum of the unpaid claim shall bear interest at the rate of 1½ per centum per annum; except that, in any case in which the property which was the subject of the unpaid claim which is the collateral for the loan is returned to the claimant while such loan is still outstanding, the loan shall bear interest at the rate of 5 per centum per annum beginning upon the expiration of the three-year period following the date the property was returned to the claimant (as determined by the Secretary) and such rate shall continue for the balance of the term of the loan.

"(e) Each loan made under this section to carry out a project in accordance with the Alliance for Progress program shall be for the same period of time, shall bear interest at the same rate, and shall be subject to the same terms and conditions (except as provided in subsection (f) of this section) as loans for similar projects made pursuant to title VI of part I of the Foreign Assistance Act of 1961.

"(f) Each loan under this section shall be subject to such terms and conditions as the Secretary may deem appropriate to protect the interest of the United States, including, but not limited to, such terms and conditions as may be necessary to grant to the United States the first right, in satisfaction of the loan, to collect sums paid to the claimant on account of the approved claim which is the collateral for the loan, and to grant to the United States a mortgage against any property returned to the claimant on account of such approved claim.

"(g) Notwithstanding any other provision of this section, the amount of any loan as determined under subsection (b) shall be reduced by the total of any deductions, credits, and other benefits which have been allowed the claimant under the Internal Revenue Code of 1954 on account of the loss or losses to which his claim relates, for taxable years the filing date for which is prior to the date of the loan, and no loan shall be made under this section unless the claimant agrees in writing that, until such loan is repaid in full in accordance with its terms, he will not use the loss or losses to which his claim relates as the basis for any deduction, credit, or other benefit under the Internal Revenue Code of 1954. A copy of each agreement executed under this paragraph by a claimant shall be transmitted by the Secretary of State to the Secretary of the Treasury or his Delegate and, thereafter, no deduction, credit, or other benefit under the Internal Revenue Code of 1954 based on such loss or losses shall be allowable to such claimant; except that for any taxable year ending after the loan has been repaid in full according to its terms the claimant may be allowed such deduction, credit, or other benefit to the extent it is then otherwise allowable under such Code.

"(h) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

FEDERAL RESERVE SYSTEM

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the gentleman from Texas, the Honorable WRIGHT PATMAN, dean of the Texas delegation and chairman of the House Banking and Currency Committee, has been the motivating force behind the current hearings into the Federal Reserve System. For 36 years the gentleman from Texas, WRIGHT PATMAN, has devoted his life to public service as a Member of Congress. In this time he has contributed to our democratic form of government in a way few of us present in this House can match. In my opinion, the gentleman from Texas, WRIGHT PATMAN, is one of the great Congressmen of the 20th century. The entire Nation owes a debt of gratitude to him, both for his remarkable past performance and for the courageous job he is now doing.

The hearings being conducted by the House Banking and Currency Committee are concerned with the question of whether a truly independent monetary authority is desirable. They have received a great amount of publicity. It is therefore refreshing to find an independent newspaper like the Washington Post reporting objectively on this important investigation. For if we are to remain free we cannot be dominated by any single group. With the unanimous consent of the Members of this House, I am submitting for the RECORD an editorial printed in the Washington Post on March 7, 1964:

THE MONETARY AUTHORITY

Although time and energy have been wasted in the pursuit of such hobgoblins as the expense accounts of the regional Federal Reserve banks, Representative WRIGHT PATMAN and his colleagues on the House Banking and Currency Committee are performing a significant public service by exploring the issue of whether a truly independent monetary authority is desirable.

The nine academic monetary specialists who have thus far testified before the committee represented varying points of view, but all agreed that the monetary policies pursued by the Federal Reserve System should be consistent with the economic goals of the incumbent national administration. The witness who drove this point home in the most compelling fashion was Prof. Milton Friedman of the University of Chicago, the coauthor of a distinguished monetary history of the United States.

Dr. Friedman is a protagonist of a brand of economic liberalism to which many conservative politicians pay only lipservice. He believes that competition in the marketplaces, unfettered by Government intervention, provides the most effective support of political freedom and personal liberty. It is, then, the failure of the nominally independent authorities to maintain monetary stability rather than affinity for centralism which leads Dr. Friedman to the firm belief that monetary policy should be determined by the Congress.

Using the growth of the money supply as his criterion, Dr. Friedman argues that the "chief defect in Federal Reserve policy has been a tendency to go too far in one direction or the other, and then to be slow to recognize its mistake and correct it." In the period from 1957 to mid-1962 "unduly wide swings in the money stock" contributed to instability and the slow rate of economic growth. But since September 1962, Dr. Friedman believes, the money stock has been expanding at a rate—nearly 4½ percent per year—"that cannot long be maintained without producing a substantial increase in prices."

In place of most of the powers which now reside with the Federal Reserve authorities,

Dr. Friedman proposes that Congress legislate rules which would insure a steady rate of growth in the money supply "from week to week, month to month, and year to year." This provocative proposal has drawn criticism, but in view of the historical record of monetary instability and increasing evidence that the rate at which the monetary stock grows is a matter of great economic importance, it deserves a full hearing and careful consideration.

UHF TELEVISION

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. COLLIER] is recognized for 10 minutes.

Mr. COLLIER. Mr. Speaker, and Members of the House: 2 years ago this House passed the bill which in my opinion was about as ill-conceived a piece of legislation as had ever passed the House. It was subsequently enacted into law. I refer to the so-called ultra-high frequency all-channel television law which was signed into law 2 years ago, but which was a time-bomb type of measure which is due to explode on the American market on April 30. After that date thousands of American consumers will be paying for a reception facility on television sets which in most cases they neither need nor want. By an edict of the Government, as a result of a law which this Congress approved every purchaser of a television set after the 30th day of April will be obliged to pay $15 to $25 because of the legislation to which I refer. It is not in good taste for a Member of this House to tell the majority that it was wrong, nor to say "I told you so," but the facts are undeniable.

At that time I contended that Congress had no right by law to force people to buy something that they did not need, nor to tell the manufacturer he had to manufacture in accordance with an order of the Federal Government something which 80 percent of the television purchasers of this country did not need and could not use.

The bill at that time was sold on the grounds that it would provide better and wider reception for television throughout the United States. However, let us look at the figures and see exactly what has happened so that you might better understand why I say that this legislation was so ill conceived. Eighty percent of the homes containing 143 million people do not have UHF television available to them. An additional 8 percent or 14 million people can get UHF reception only from noncommercial stations, which generally do not offer as good a program as conmmercial stations can afford. Twenty-eight States have absolutely no commercial UHF stations at all. In States with such outlets most people line outside the signal area—156 major cities with over 100,000 population still have no commercial UHF.

Taking the example of my own area, Metropolitan Chicago, here after the 30th day of April, because of a law which this Congress passed, those who desire to buy a television set and have absolutely no need for UHF reception will be paying $15 to $25 more for a television set because of the action which this Congress took. Since the FCC first allocated UHF channels in 1952, 225 UHF stations went on the air, but since that time 108 of these have closed down. They closed down, not because the people could not buy UHF sets then, but because UHF programs were so unappealing that people simply did not buy the sets.

Mr. Speaker, what I have stated in this regard is water over the dam. Obviously we cannot, at least in the near future, repeal what I believe to be a very bad law, particularly since television manufacturers geared their production to this requirement and produced countless thousands of television sets with this all-channel reception facility. But there is something we can do, as a Congress, to put salve on the wound, so to speak, if we act expeditiously.

On all television sets, as you know, there is currently a 10 percent Federal excise tax. Since we have saddled the potential buyer of television sets with this additional cost through the enactment of a bad piece of legislation, it seems to me we can do something to remedy that by removing the 10 percent excise tax; not only because we owe it to the consumers of the United States, but because there has been an estimate that as a result of the increased cost of television sets there will probably be a sales drop of about 750,000 units, having a retail value of $150 million.

I do not think it is necessary to explain any further the need for doing something in this area. The only alternative open, it seems to me at this time, is to act expeditiously in removing the excise tax to compensate for the additional burden which the consumers will have to carry in buying a television set after April 30 of this year.

A SALUTE TO THE AMERICAN SOCIETY OF COMPOSERS, AUTHORS, AND PUBLISHERS (ASCAP) ON ITS 50TH ANNIVERSARY

The SPEAKER pro tempore (Mr. ROOSEVELT). Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, on the golden anniversary—1914–64—observance of the American Society of Composers, Authors, and Publishers, I wish to pay tribute to and congratulate the musicmakers of America. Music is one of the great arts that is understood by all citizens. No one can estimate with certainty the value of music. It has been called "the only universal tongue," "the greatest good that mortals know," "the speech of angels," and "medicine of troubles."

The songs which a nation plays and sings are reflections of that country's social history—war times, prosperity and depression, times of stress, and times of peace.

One of the most significant tributes paid to any organization is the one which President Johnson extended to ASCAP in his letter to Stanley Adams, ASCAP president, and from which I quote:

For 50 years the musical creations of the members of the American Society of Composers, Authors, and Publishers have enriched the cultural life of all Americans.

The talented writers who are members of your organization have made a radiant contribution to the musical culture of our Nation. Your membership has included such outstanding talent as John Philip Sousa, Irving Berlin, Victor Herbert, Richard Rodgers, and Oscar Hammerstein. Their gifts have become the proud possession not alone of Americans but also of all peoples around the globe.

As Americans we pride ourselves on the freedom and independence of our creative artists. Your society has played a conspicuous role in fostering the atmosphere which permits creative people to work most effectively and to find greater reward for their artistic achievements.

I am most happy to extend to all the members of ASCAP my sincere congratulations on the significant milestone in the history of your society.

ASCAP, as it is affectionately known, is a membership association that is concerned solely with public performances of copyrighted works. The president of ASCAP, Mr. Stanley Adams, has very aptly written that the organization acts as a clearinghouse and offers a convenient, economical way for those who profit from the use of music to compensate those who create it. ASCAP believes that our society is best served when it best serves the general public.

Since 1897 it has been the law that any commercial user of music cannot play a composer's song without making suitable arrangements with the composer. ASCAP's basic function is to make these arrangements for composers who find difficulty in making the individual transactions themselves. By the same token ASCAP believes that the commercial user of copyrighted music would find it impossible to obtain legal clearance for public performance of musical numbers intended for any one of the many commercial uses.

During the 50 years of service to its members and to the commercial users of music, ASCAP has grown to uphold the legal rights of its more than 9,000 writer and publisher members and the approximately 125,000 writer and publisher members of affiliated foreign societies. To be eligible for membership in ASCAP, a composer or author must have secured regular publication of one or more musical works that have had a substantial number of musical performances. It is actually a voluntary association and we recall that among the original organizers were Victor Herbert and Nathan Burkan, attorney.

In 1946 the society stated it was:

Dedicated to the principle that no man or woman in the United States who writes successful music, or anyone dependent on him, shall ever want.

It has been stated that no ASCAP member has ever been on relief, and it is apparent that none will ever die, as Stephen Foster did, with 38 cents in his pocket.

ASCAP asserts it seeks equitable means of making it possible for those

who create music to live comfortably, by protecting them in their lawful rights and collecting for them their portion of the profits made by commercial users of their music. Without music these enterprises could not be successfully operated.

Aaron Copland, one of America's leading symphonic composers, has stated in a salute to ASCAP:

It is a sign of ASCAP's maturity that the society has become fully aware of the values represented by the works of its symphonic composers. It is a safe prediction that this trend will continue and that in the next few decades the society will find its symphonic composers playing a leading role in its future history.

The beloved composer of popular songs, Richard Rodgers, has written of ASCAP:

Creative people are usually a pretty independent breed. Those I know would much rather receive compensation for what is rightfully theirs than receive some form of patronage. Thus, without playing favorites or giving handouts, ASCAP accords writers the respect that is their due. In turn, by their courage and vision, writers accord that same respect to their audience. It has been a beneficial relationship all around, and one that is in no small measure responsible for the good health of our musical theater today.

The well-known and talented Duke Ellington has appropriately written:

I like to think that ASCAP has always been a guardian of good music. The benefits of ASCAP are an inspiration to the artist and therefore ultimately beneficial to the public.

Music in our country functions constantly in areas which include education, social activities, professional needs, patriotic occasions, religion, industry, and therapeutics. The American public, as well as the authors, composers, and publishers of music, have been served honestly and efficiently for 50 years by ASCAP. I trust this society will continue to assist in the enrichment of American culture.

THE FATAL QUICKSANDS OF UNILATERAL DISARMAMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOSMER] is recognized for 20 minutes.

Mr. HOSMER. Mr. Speaker, I have today introduced H.R. 10311, a bill relative to the organization now called the U.S. Arms Control and Disarmament Agency. In September 1961 Congress established this as an Agency which would put all arms control study and informational work under one roof, so to speak, and prevent overlapping research activities, failure to coordinate background information, and poor communications between the various agencies concerned with national security and foreign policy.

First, the semantics of the Agency are wrong. From the beginning there were reservations held by many that the title "Arms Control and Disarmament Agency" was a misnomer and that the Disarmament Act of 1961 went further than the original intent of Congress. As a result of the reports and recommendations of this Agency we find in official administration circles today fuzzy thinking relating to our role in the world military balance of power. We have been told "let the Soviet become equal with the United States in military might and the Soviet will no longer fear us or attack us." This is the fallacious logic of the theoreticans and amateur military strategists of the Arms Control and Disarmament Agency.

Today we are witnessing a unilateral approach to disarmament by this administration, which, if continued, will threaten the very security of our Nation. When the original Disarmament Act was passed, in 1961, the Communists were still grounded on the Eurasian land mass. Now, in 1964, there is a threatening Communist base of action just 90 miles from the shores of Florida. We do not know the true story of the purported removal of the Soviet rockets from Cuba. Reports are constantly being received that the Russians are entrenching themselves in fortified caves and concrete bunkers in the provinces of Castroland. We read of secret midnight movements of Soviet groups and the establishment of Russian military compounds completely isolated even from their Cuban puppets. Is this the time to consider further steps to weaken national security?

Today, the newspapers tell us that both Red Russia and Red China have threatened warlike measures if we attempt to retrieve our military position in Vietnam by stepped-up military maneuvers against Communist northern Vietnam forces. Shall we continue to disarm in the face of such threats and implied ultimatums?

It seems incredible that at a time of accelerated alarm and with the enemy making continued advances in the Far East, in the Near East, in Africa, and in South America, the administration should continue to press at Geneva for so-called disarmament proposals; proposals which the Soviets laugh at and deride. Only last week at the Geneva 18-nation Disarmament Conference, the U.S. representative, Adrian S. Fisher, announced with great fanfare that certain American reactors are being placed under international inspection. The move was entirely unilateral on our part. No similar action by the Communists was demanded in return. The idea was to set a noble example to Soviet Russia, which, it is hoped, will follow suit. All this might be logical if we were dealing with people who understand such things as good faith and noble examples. But the Reds do not. Such gestures merely prove that our disarmers fail totally to understand the nature of the Red enemy.

At no time have the Communists shown a sincere interest in any disarmament proposal which would provide for compulsory verification systems. They secretly arm as we publicly disarm and weaken ourselves.

Until the Soviets show a real and sincere desire for disarmament we are just playing into the enemy's hands with our Geneva proposals which serve only to lull the American people into a false sense of peace while the Soviet continues relentlessly on its slated path of world domination. Add to this fact that there is a strong possibility that the Soviets will make a serious miscalculation of American will to survive. Our apostles of appeasement have distorted the American image and today our Nation appears, to those in Europe, Africa, and South America, to be a nation which is selling its birthright of courage and strength for the leaky umbrella of the fallacious "peace in our time" theory, a theory which, as embraced by the staff and policies of the Arms Control and Disarmament Agency entails the belief that "the only road to peace is the road of disarmament." This, Mr. Speaker, I do not believe. There are other roads to peace and one of them is the road of national strength, both military and moral. This, I believe, is the only real road to peace. Meanwhile, in order to retain the opportunity to take this road, we must act to put the disarmers on some kind of a reasonable leash and place a safety catch on the U.S. Arms Control and Disarmament Agency's notorious tendency to lead us ever deeper into the fatal quicksands of do-it-ourself disarmament.

Mr. Speaker, our military system, if we look at it historically and objectively, is concerned primarily with preventing war. I sincerely believe that there is no one in the Military Establishment who advocates aggressive war against our declared enemies. Yet by unilateral measures we are rapidly sapping our national stature as a military power. The amount of money budgeted for our strategic retaliatory forces, bombers, and missiles has been drastically cut. In fiscal year 1962 the sum was $9.1 billion. For fiscal year 1965 the sum is $5.3 billion, over a 40-percent reduction. All this is in the face of an absolute zero-percent reduction in communism's manifest and devouring hostility toward all that is noncommunist on our planet.

The administration all but killed the RS–70 program. It has stopped production of the B–58 bomber. The B–52 bombers are being retired 2 or 3 years ahead of schedule. All B–47's have been ordered junked by 1966. The Skybolt missile program was eliminated. The Jupiter and Thor missiles were removed from their sites in Turkey and Italy just 7 months after they were installed. Our high-powered Atlas D and Titan I long-range missiles are headed for the scrap heap. By Executive order the production of fissionable nuclear materials is to be cut drastically and nuclear reactors are to be shut down. The administration now is considering a proposal of Soviet Russia to burn all bombers. Plans for additional nuclear aircraft carriers have been shelved and Nike-Zeus missile-killer production canceled. How unrealistic can we get? We must ask the administration: What evidence do you have that the Communists are responding to our unilateral disarmament actions with effective disarmament actions of their

own? On the contrary, newspapers have recently reported that our intelligence apparatus has discovered new anti-antimissile networks being established around Moscow. Reports are heard that the Soviets are now constructing a spy satellite system in Cuba which will make the United States subject to continual surveillance. Are these acts of peaceful intentions?

The late President Kennedy said in his last state of the Union address:

> Until the world can develop a reliable system of international security, the free peoples have no choice but to keep their arms near.

Reflecting the late President's statement, let us remember there has been no real lessening of tensions. By no act or even word have the Communists ever indicated that they have given up their goal of world domination. U.S. prestige continues to go down while the fruitless and dreary sessions of the disarmament negotiators at Geneva continue their thankless and unprofitable task. In the meanwhile, here at home, we have drastically cut back proper research and development of new weapons and have decreased our striking force by a systematic reduction of airpower.

Mr. Speaker, during the debate last November I offered a number of amendments on the floor and also a bill which would have corrected some of the errors so apparent in the Disarmament Act. It was suggested I brought them to the floor so late that proper consideration could not be given to them. Now, in order to preclude this criticism, H.R. 10311 has been introduced and I respectfully suggest to the adherents of the Arms Control and Disarmament Agency that they, who wield great influence in the House Foreign Affairs Committee, assist in securing its early consideration by the committee.

It is interesting to note that organizations such as the American Legion, Veterans of Foreign Wars, Daughters of the American Revolution, Americans for National Security, and many patriotic and civic organizations have repeatedly urged the Congress to take another look at the Arms Control and Disarmament Agency. Certainly these are not fanatic or extremist groups but are representative of the thinking of many Americans. They should be given their day before the House Foreign Affairs Committee relative to the effectiveness of the Arms Control and Disarmament Agency at the present time.

When this House considered appropriations for the U.S. Arms Control and Disarmament Agency last winter more than 130 Members of the House expressed their dissatisfaction with the Arms Control and Disarmament Agency by voting against giving this Agency any appropriation whatsoever. It is time for the majority to give full consideration to the dissatisfaction expressed by a fourth of the House membership.

One of the reasons for dissatisfaction as expressed by House Members was their belief that it was the intent of Congress that this Agency should be "only a research coordination center for the problems of arms control" and not necessarily a "disarmament negotiating arm of government."

H.R. 10311 will do the following six things:

First. Make the Agency an "arms control"—not "disarmament" research agency—and so title it.

Second. Take the Agency away from the Department of State planners.

Third. Make it responsible to Congress.

Fourth. Give access to all reports and recommendations of the Agency to the chairman and senior minority members of key committees such as House and Senate Armed Services, Foreign Affairs, Joint Committee on Atomic Energy.

Fifth. Provide for the President to indicate at least 30 days prior, his intention to reduce or eliminate armed services' strength, to the key House and Senate committee chairmen and senior minority committee members.

Sixth. Spell out what agreements and measures affecting our national security would require the affirmative action of both Houses of Congress.

Under my bill we would take a more realistic look at the Agency. This Agency does not have permanent status and presently I do not foresee any need for granting it permanent status. Rather, let us keep this Agency from expanding, as Parkinson's law would have it, into a huge, unwieldly bureaucracy.

Logistically it is the stepchild of the State Department. Let us free it from the chains of State Department paternalism and permit some real independent recommendations and reports apart from the obvious policies of pacifism of the present Department of State.

Opponents of the present activities of the Arms Control and Disarmament Agency and the administration's continued program of unilateral disarmament via Executive orders have become greatly concerned at the lack of "point of knowledge" when the executive department promulgates new measures affecting our national security. So many times Congress learns "after the fact" rather than before. Surely the executive department would secure stronger support and some intelligent understanding of the feeling of Congress relative to national defense security if the President would make this information known in due time before the Executive action is taken. This would not interfere with the constitutional rights of the executive department, but on the contrary, would enable the executive department to secure the support of the Members of the Congress in vital areas of national public opinion. H.R. 10311 would require that the executive department notify the appropriate committees of Congress regarding proposed Executive orders affecting the Armed Forces. This would strengthen the constitutional concept of check and balances.

Along with this provision is one which spells out more fully the provision in the act that calls for affirmative action by the Congress for all measures and agreements affecting the defense and armed services organization by reduction, limitation, or arms control, which are of lesser degree than treaties and reaffirms the President's treatymaking power under the Constitution.

Mr. Speaker, for all of the stated reasons I have given today it is my hope that other Members of the House and Senate will offer similar bills and that the House Committee on Foreign Affairs will provide ample time for consideration of H.R. 10311 at an early date.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRADEMAS, for March 10, 11, 12, and 13, having been appointed by President Johnson a member of the official U.S. delegation to go to Athens, Greece, for the funeral of King Paul.

Mr. SCOTT (at the request of Mr. ALBERT), for March 10 and 11, 1964, on account of death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. COLLIER, for 10 minutes, today.

Mr. HALPERN (at the request of Mr. BRUCE), for 15 minutes, today.

Mr. HOSMER (at the request of Mr. BRUCE), for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. BRUCE) and to include extraneous matter:)

Mr. LIPSCOMB in two instances.

Mr. JENSEN.

Mr. DERWINSKI.

Mr. DOLE.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9637. An act to authorize appropriations during fiscal year 1965 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1964. An act to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits.

ADJOURNMENT

Mr. HARRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 11, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1803. A letter from the National Quartermaster, Veterans of World War I of the U.S.A., Inc., transmitting the annual reports covering the activities of the Veterans of World War I of the U.S.A., Inc., consisting of the following: (1) audit of financial transactions; (2) recruiting folder; and (3) a copy of the proceedings of their national convention held September 23–25, 1963, in Detroit, Mich., pursuant to Public Laws 85–530, and 88–105 (H. Doc. No. 172); to the Committee on the Judiciary and ordered to be printed.

1804. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and the Army General Staff on December 31, 1963, pursuant to section 3031(c) of title 10, United States Code; to the Committee on Armed Services.

1805. A letter from the Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal under the law; to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. H.R. 1997. A bill to amend subsection (c) of section 1332 of title 28, United States Code, relating to diversity of citizenship; with amendment (Rept. No. 1229). Referred to the House Calendar.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District; with amendment (Rept. No. 1231). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 3194. A bill to authorize the Secretary of the Interior to make water available for a permanent pool for recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project; with amendment (Rept. No. 1232). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CHELF: Committee on the Judiciary. H.R. 8277. A bill for the relief of Giuseppe Cacciani; without amendment (Rept. No. 1230). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HERLONG:

H.R. 10309. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. HOLLAND:

H.R. 10310. A bill to establish a National Commission on Automation and Technological Progress; to the Committee on Education and Labor.

By Mr. HOSMER:

H.R. 10311. A bill to amend the Arms Control and Disarmament Act, to restrict the application of the act to arms control, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HARVEY of Indiana:

H.R. 10312. A bill to restrict imports of meat and meat products into the United States; to the Committee on Ways and Means.

By Mr. HÉBERT:

H.R. 10313. A bill to amend title 10, United States Code, to establish a nutritionally adequate, well-balanced, and uniform ration for the Armed Forces, and to authorize the Secretaries of the military departments and the Secretary of the Treasury to regulate the issuance and sale of the ration and to prescribe special rations, and for other purposes; to the Committee on Armed Services.

H.R. 10314. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes; to the Committee on Armed Services.

H.R. 10315. A bill to amend the Federal Civil Defense Act of 1950, as amended, to authorize certain amounts received by way of reimbursement for medical supplies and equipment to be used to purchase other medical supplies and equipment; to the Committee on Armed Services.

By Mr. McDADE:

H.R. 10316. A bill to amend title I of the Housing Act of 1949 to provide that relocation payments to persons displaced from urban renewal areas shall include compensation for any diminution in the value of their land occasioned by the subsidence or collapse of underlying coal mines; to the Committee on Banking and Currency.

By Mr. MARTIN of Californa:

H.R. 10317. A bill to create four judicial districts for the State of California, to provide for the appointment of four additional district judges for the State of California, and for other purposes; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 10318. A bill to create four judicial districts for the State of California, to provide for the appointment of four additional district judges for the State of California, and for other purposes; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 10319. A bill to amend title 10, United States Code, to authorize increased fees for the sale of U.S. Naval Oceanographic Office publications; to the Committee on Armed Services.

H.R. 10320. A bill to amend section 1485 of title 10, United States Code, relating to the transportation of remains of deceased dependents of members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. PRICE:

H.R. 10321. A bill to amend titles 10 and 37, United States Code, so as to provide authorization of 4 years constructive service credit to veterinary officers now on active duty with the uniformed services, and that those veterinarians hereinafter appointed as veterinary officers, be so credited; to the Committee on Armed Services.

By Mr. RIVERS of South Carolina:

H.R. 10322. A bill to extend the provisions of the act of August 11, 1959, Public Law 86–155, as amended (74 Stat. 396) to provide improved opportunity for promotion for certain officers in the naval service; to the Committee on Armed Services.

By Mr. TOLLEFSON:

H.R. 10323. A bill to amend the Internal Revenue Code of 1954 to prevent loss of employee wages and fringe benefits during levy and distraint proceedings; to the Committee on Ways and Means.

By Mr. BECKWORTH:

H.R. 10324. A bill to amend title 37 of the United States Code to provide hazardous duty pay for members of the uniformed services on duty in intimate contact with persons afflicted with epidemic hemorrhagic fever; to the Committee on Armed Services.

By Mr. BARRETT:

H.R. 10325. A bill authorizing the appropriation of funds to replenish the unemployment compensation account of the Commonwealth of Pennsylvania; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 10326. A bill to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FASCELL:

H.R. 10327. A bill to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of American nationals against the Government of Cuba; to provide for payment of such claims, and to provide that the uncompensated portion of approved claims may be the collateral for certain loans made to claimants by the Secretary of State; to the Committee on Foreign Affairs.

By Mr. HÉBERT:

H.R. 10328. A bill for the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes; to the Committee on Armed Services.

By Mr. SCHADEBERG:

H.R. 10329. A bill prohibiting lithographing or engraving on envelopes sold by the Post Office Department, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITTEN:

H. Res. 651. Resolution to amend the Rules of the House of Representatives to declare the right of the House of Representatives to determine the qualifications of its Members; to the Committee on Rules.

By Mr. BUCKLEY:

H. Res. 652. Resolution to grant additional travel authority to the Committee on Public Works; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 10330. A bill for the relief of Armido Albanese; to the Committee on the Judiciary.

By Mr. FINNEGAN:

H.R. 10331. A bill for the relief of Miss Stavroula Roumeliotis; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 10332. A bill for the relief of Alejandro Debeljkovic; to the Committee on the Judiciary.

By Mr. OLSEN of Montana:

H.R. 10333. A bill for the relief of Konstantinos Geranios and his wife, Dionysia Nicolas Geranios, and their children, Nicolas and Demitre Geranios; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

763. By Mr. HANNA: Petition of sundry organizations with reference to a constitutional amendment to provide voluntary nondenominational observances in American institutions; to the Committee on the Judiciary.

764. By the SPEAKER: Petition of Henry Stoner, Avon Park, Fla., relative to certain complicated methods recently devised for voting in the New Mexico State Legislature; to the Committee on the Judiciary.

765. Also petition of Shojo Nohara, Katsuren-son, Okinawa, relating to the problem of pretreaty claims; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Pomona's New Public Safety Building and Underground Civil Defense City

EXTENSION OF REMARKS
OF
HON. GLENARD P. LIPSCOMB
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 10, 1964

Mr. LIPSCOMB. Mr. Speaker, on February 24, Dr. Edward Teller, the distinguished nuclear physicist, performed a historic act in dedicating the Pomona Public Safety Building, located in Pomona, Calif., in the 24th Congressional District, which I have the honor of representing.

The significance of this dedication lies in the fact that this is a unique building. It is designed as an underground communications center for use in normal times and as a self-contained municipal headquarters in time of emergency, either natural or man made. Because all posts in the building, which serves as police and fire headquarters, are constantly manned, the switchover from everyday operations to emergencies can be effected in a matter of seconds.

The building has two stories above ground and one below, which houses the communications facilities, and is linked to the adjacent county courthouse with an underground tunnel. The below-ground level has its own water supply, its own sewage system, and its own recirculating air filter system, giving it complete protection from nuclear fallout. Adequate underground food rations and sleeping quarters to last 150 people for 14 days are always at the ready.

The building was constructed at a cost of $1,500,000 mostly with city and partly with county and Federal funds. The Federal Government contributed one-half the cost of the underground construction because it will serve as an area headquarters for civil defense.

In his dedication remarks, Dr. Teller said that 95 percent of the people of the United States could survive nuclear attack and enough property could be saved to enable the country to recover quickly, if adequate civil defense preparations were made.

Dr. Teller praised Pomona for its leadership in providing underground civil defense facilities and quickly adaptable emergency communications beneath its new building at a time when, he said, such leadership is badly needed in the United States.

The most dramatic feature of the building is its labyrinth of underground facilities and passages. The whole city council or Los Angeles County Board of Supervisors could meet there in emergency and conduct their business with no necessity for any except electronic contact with the outside world to transmit commands. The underground ceiling is an 8-inch-thick concrete slab with two tiers of reinforcing bars. The exterior walls around the underground city are 12 inches thick, also with two tiers of reinforcing bars.

Besides serving in normal times as headquarters for Pomona's peace officers and firemen, the public safety building houses the city jail and is the central communications hub for fire and police calls, the city telephone system, the teletype system, water level telemetry monitors, public works calls, and serves various civil defense functions.

The people of Pomona are justifiably proud to show the way to the entire country with their foresight in construction of this beautifully designed and utilitarian building.

New Policy on Trade With Communist Bloc Countries

EXTENSION OF REMARKS
OF
HON. GLENARD P. LIPSCOMB
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 10, 1964

Mr. LIPSCOMB. Mr. Speaker, a few days ago there were press reports that the U.S. Chamber of Commerce intends to adopt a new policy statement on trade with the Communist bloc, to in effect urge a weakening of existing trade curbs with Red nations.

I believe this would be a very ill-advised move and have written Mr. Edwin Neilan, president of the chamber of commerce, to express my opposition.

Under leave to extend my remarks, I submit for inclusion in the RECORD a copy of my letter to the Chamber:

MARCH 9, 1964.

Mr. EDWIN P. NEILAN,
President, U.S. Chamber of Commerce,
Washington, D.C.

Dear Mr. NEILAN: According to recent press reports, the U.S. Chamber of Commerce at its annual meeting April 29, 1964, is planning to urge adoption of a new policy calling for a loosening of trade curbs with Russia and the Soviet bloc.

I am frankly amazed that responsible chamber leaders would try to foist on their members this policy based on the anemic arguments often used to justify weakening this Nation's controls on East-West trade. These arguments are a genteel way of saying "Let's grab our share of the profits.

No American businessman could find a better way to let Kremlin leaders breathe easier than to advocate bailing out a floundering Soviet economy through trade, and I want to register my most emphatic objections to this proposed chamber of commerce move.

It is reported that the policy proposal is based in part on the argument that if we loosen our trade controls with Russia and go along with the wishes of West Europeans, we can more easily persuade the allies to tighten up on some of their trade, say, with Cuba.

As a close observer of East-West trade for a number of years as a Member of Congress, in my view this argument is completely without merit. The entire history of COCOM (the free world machinery set up to coordinate strategic trade with the Communist bloc) shows that the COCOM countries have made few concessions to the United States in return for our concessions. It has been a one-way street. We have always given in for the sake of "harmony among allies" while the list of strategic goods barred from sale to the Communists get smaller and smaller.

I am at a loss to see how even more hapless backsliding by the United States now would persuade the Allies to cut back their trade with Castro or any other Communist. On the contrary, every U.S. concession is used as a pretext to get still more Red business. Certain of our Allies apparently believe a fat Communist is less dangerous—a palpable fallacy—and our attempts to be "conciliatory" will be a futile gesture.

As if our COCOM experiences were not convincing enough, U.S. wheat sales to the U.S.S.R. and European satellites have jarringly demonstrated that every feint we make toward relaxed trade simply brings a new avalanche of European business deals with Communists in Cuba and elsewhere.

In my view, current trade curbs, although not as effective as many would like, are a great improvement over the situation that would exist without steady U.S. pressure for tighter curbs. U.S. pressure, halfhearted though it may be after the huge grain sales and other transactions with the Soviets, has unquestionably been a major factor in limiting Allied trade with the Red bloc to a minor 4 to 5 percent of total Free World exports, and thus limiting Red influence in the councils of Europe.

In the Allied mind, East-West trade is an indivisible whole—deals for grain and buses are equally permissible, despite the U.S. administration's doomed attempts to split the two. The more consistently the United States stands against permissive trade, the more effective our attempts to limit Allied trade will be.

Next, the Chamber policy is reportedly based on reasoning that the U.S.S.R. cannot be crushed by American reluctance to trade, so why not trade?

There have been to my knowledge no claim that West trade controls will "crush" the U.S.S.R. Such arguments are attempts merely to muddy the waters. The U.S.S.R. probably can continue along without collapse at a reduced growth rate without expanded Western trade. There is ample evidence, however, the U.S.S.R. cannot hope to modernize rapidly and to advance ambitious

growth plans without European and American financial, technical, or commercial boosts. The U.S.S.R. is desperately seeking long-term credits, agricultural commodities, chemical machinery, and technical data from the West. Without Western trade, the Kremlin planners cannot make good their boosts to overtake and bury western society. Yet the Chamber apparently wants to expand this very trade.

Evidence indicates that unsolved Soviet economic problems, not good will toward men, have actually forced so-called "peaceful coexistence" on Kremlin leaders. For example, Nikolai Podgorny, a top Central Committee official, stated March 3, 1964, that the Soviet Union's hopes for raising its living standard would be doomed if its "peaceful coexistence" policies collapsed. I am at a loss as to why the chamber of commerce proposes to bail the Kremlin out, and thereby make the Soviets less "peaceful."

The West can afford to ignore East-West trade. Generally only a few industries benefit here and there in the free world. The economic health of West European countries or, for that matter, our own, does not depend on profits from the Reds.

On the other hand, it is not too much to say that much of the fate of future Soviet economic development rests on what the Kremlin can beg, borrow, buy, or steal from the West.

Also, the plain fact is that Russia doesn't have the cash to greatly expand trade with the West. Only long-term credits can allow significant increases, and it is hard to see how even the most dewey-eyed "detents" advocates could favor this sort of investment on a society dedicated to our obliteration.

Thirdly, the chamber's proposed policy implies that the lure of trade with the United States could induce the Soviet Union to make other agreements this country seeks, and that trade thus could be a political tool for the West.

The only agreement worth its salt with the Soviets, as I am sure you agree, is a Communist decision to call off its obsessive campaign of worldwide subversion, guerrilla support, and troublemaking. If trade concessions could basically alter Soviet aspirations to dominate the world, it could be helpful to consider such a course of action. Unfortunately, however, concessions do nothing of the sort. They simply reinforce the party machine's will and economic means to eventually overthrow the West.

For these reasons, I strongly believe that relaxed East-West trade can only harm, and not help, the welfare and security of the United States. I would therefore urgently recommend that the chamber of commerce reconsider its policy in this regard.

Enclosed for your information is a copy of remarks I made to the House of Representatives on February 10, 1964, regarding fallacies involved in relaxing East-West trade controls, upon which the administration has based its weakening stand toward allout trade and credit with Communist enemy nations.

Sincerely yours,

GLENARD P. LIPSCOMB,
Member of Congress.

Questionnaire Results

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1964

Mr. DERWINSKI. Mr. Speaker, I insert into the RECORD the results of my questionnaire of December 30, 1963, which was mailed to a cross section of the constituents of my district. Of a mailing of approximately 70,000, 16,000 responses were received.

The results follow:

Questionnaire results

	Percent		
	Yes	No	No opinion
1. Should the presidential electoral college be changed?	65	21	14
2. Do you believe the United States should support a free Cuban government-in-exile?	45	44	11
3. Should Government spending be cut to compensate for any Federal tax reduction?	92	4	4
4. Do you favor medical care for the aged by—			
(a) Increasing socil security taxes to finance such care?	29	65	6
(b) Expanding present Federal-State (Kerr-Mills) legislation?	26	58	16
(c) Or do you favor private, voluntary medical plans with no Federal involvement?	78	17	5
5. Do you believe that foreign aid spending should be—			
(a) Reduced substantially?	88	9	3
(b) Increased?	4	93	3
(c) Expanded in Latin America?	35	53	12
(d) Approved to countries with Communist governments?	2	94	4
6. Do you believe the international Communist conspiracy is a threat to the internal security of the United States?	85	11	4
7. Which of the following farm programs do you favor—			
(a) Rigid controls and quotas on individual production, mandatory land retirement—a strictly regulated farm economy?	6	86	8
(b) Moderate and flexible price supports, voluntary large-scale land retirement—a gradual withdrawal of Government from the farm economy?	91	3	6
8. Do you favor Federal civil rights legislation—			
(a) To protect the right to vote?	87	10	3
(b) To enforce school integration?	28	64	8
(c) To give permanent status to the Civil Rights Commission?	31	51	18
(d) To use the interstate commerce clause of the Constitution to enforce access to public accommodations?	27	60	13
9. In your opinion, is the United Nations effective?	42	51	7
10. Do you favor Federal funds for—			
(a) Public elementary and high school construction?	39	59	2
(b) Public elementary and high school teachers' salaries?	20	77	3
(c) Aid to private elementary and high schools?	18	79	3
11. Do you favor congressional approval of $195,000,000 for the civil defense shelter program?	19	71	10
12. Should the United States grant diplomatic recognition to Red China?	14	80	6
13. Do you believe Congress has delegated too much authority to the President and his executive agencies?	58	32	10
14. Do you favor salary increases for—			
(a) Federal employees, Members of Congress, and Federal judges?	24	56	20
(b) Only Federal employees?	20	57	23
(c) Only Members of Congress and Federal judges?	9	68	23
(d) None?	51	30	19

A Letter to the President and to Congressman Mills

EXTENSION OF REMARKS
OF
HON. BEN F. JENSEN
OF IOWA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1964

Mr. JENSEN. Mr. Speaker, under leave to extend my own remarks in the RECORD, I include a copy of a letter sent to President Johnson, which speaks for itself, as follows:

SHENANDOAH, IOWA,
March 2, 1964.

The public meeting held in Shenandoah, Iowa, yesterday was a convincing demonstration of the tremendous depth of concern that the Midwest has for the future of the cattle industry. This meeting was organized by our committee within the past 10 days. It was a spontaneous, nonpartisan meeting of all segments of this essential industry. The thousands of participants listened patiently and attentively to the explanation by Assistant Secretary Mehrens of the administration's position regarding imports, but they were not convinced that there is any sympathy for or understanding of our position in Washington.

You are quoted in a current farm magazine article as having said that you "know what it is when millions of farmers go through the economic wringer," and that you are "not going to let it happen again." If this is indeed a true statement of your position, we urge you to act now by helping us to implement the resolutions unanimously adopted at this meeting and endorsed by the leaders of all major farm and livestock organizations who were present and in full accord.

You are further quoted as having said that "Farmers still aren't getting a fair shake out of this economy," and that legislative action is the way that is always best. We realize that legislation is the only way to curtail and control imports, and that such legislation cannot be enacted without the support of your administration. We urge you to lead us in this desperate battle for the survival of our industry by placing the full power of your office in support of these resolutions.

Be it resolved:

1. It is the consensus of those attending this meeting that attention must be called to the chaotic and serious financial straits in which the cattle industry finds itself, and that this condition affects not only everyone connected with the cattle industry but many other segments of the Nation's economy.

2. Be it hereby declared that the Cattle Industry Committee for Legislative Action respectfully petitions the Congress to limit, by legislative action, imports of beef and veal, fresh, frozen, cooked and/or canned or cured, to levels in pounds approximately equal in volume to the level of 1960, approximately 775 million pounds or 4.9 percent of domestic production that year.

3. We further recommend and urge that the cattle industry take effective action toward orderly marketing and production, as well as production more nearly commensurate with consumer demands.

4. Be it further resolved that we as a committee urge all organizations to join with us in a united effort to accomplish our objective.

It is our solemn belief that through cooperation, understanding and mutual respect, the meat industry from producer to

consumer can face a future that will be profitable and satisfactory to all.

Respectfully,

BOB BUFFINGTON,
Chairman, Cattle Industry Committee for Legislative Action.

Also I include a letter to Chairman MILLS of the Ways and Means Committee which also speaks for itself.

Mr. Speaker, our bill restricts by 50 percent the average annual quantities of all meats of all kinds and in all forms of packaging and of all live meat animals imported into the United States from all foreign countries during the past 5-year period ending on December 31, 1963.

We are pleased to report that much support for our bill is being manifested nationwide.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 9, 1964.

Hon. WILBUR MILLS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On February 25, 1964, I introduced H.R. 10099, "to restrict imports of meat and meat products into the United States". Subsequently, 17 colleagues introduced identical bills, all of which have been referred for action to your committee.

Mr. Chairman, the cattlemen's and feed merchants' plight is already desperate, and further financial damage is inevitable even if relief legislation were enacted immediately.

Thus, every moment of delay postpones the solution.

Therefore, we, the undersigned authors of the meat import restriction bills before your committee, do earnestly petition you to call for hearings now, either by the full committee or by an appropriate subcommittee.

We can supply you with sufficient witnesses from widely scattered feeding areas of this important industry who can describe the critical situation that exists due to the present unrestricted importation of meat and meat products into the United States.

Respectfully yours,

BEN J. JENSEN, Member of Congress; CHARLES HOEVEN, Iowa; H. R. GROSS, Iowa; JOHN KYL, Iowa; MEL LAIRD, Wisconsin; HENRY SCHADEBERG, Wisconsin; WILLIAM VAN PELT, Wisconsin; ROBERT MCLOSKEY, Illinois; JAMES QUILLEN, Tennessee; J. EDGAR CHENOWETH, Colorado; JAMES WEAVER, Pennsylvania; RALPH BEERMANN, Nebraska; E. Y. BERRY, South Dakota; DON CLAUSEN, California; DURWARD HALL, Missouri; WILLIAM HENRY HARRISON, Wyoming; WILLIAM BRAY, Indiana; and RICHARD ROUDEBUSH, Indiana.

Wheat Legislation

EXTENSION OF REMARKS
OF
HON. ROBERT DOLE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 10, 1964

Mr. DOLE. Mr. Speaker, the Senate passed a wheat-cotton bill on Friday, March 6. I have had many inquiries as to differences in the Senate bill and the Purcell bill which is still pending before the House Agriculture Committee. The Purcell bill was forwarded from the Wheat Subcommittee to the full Committee on Agriculture without recommendation.

A brief summary follows:

Provisions	House bill (H.R. 9780), known as Purcell bill, pending now before House Agriculture Committee, without recommendation	H.R. 6196, known as Cooley cotton bill, as amended by Senate to include wheat
1. Years applicable	2 years without marketing quotas (1964 marketing quotas turned down in referendum May 21, 1963, and bill suspends marketing quotas in 1965). Mandatory program thereafter.	Same.
2. Support level	For 1964 crop: $1.30 loan, 25-cent export certificate on 500,000,000 bushels; 70-cent domestic certificate. For 1965 crop: 65 to 90 percent of parity on domestic supports; 0 to 90 percent of parity on loan and export certificate.	For 1964 and 1965 crops: 65 to 90 percent of parity on domestic supports; 0 to 90 percent of parity on loan and export certificate. (NOTE.—Legislative history in Senate indicates a 70-cent domestic certificate and a 25-cent export certificate on the 1964 crop.)
3. Repeal authority to set price supports from 75 to 90 percent of parity in the event that marketing quotas are not proclaimed.	No	Yes.
4. CCC sales price	105 percent of support price on noncertificate wheat (or $1.30) plus carrying charges.	Same.
5. Eligibility for price support	Contingent on compliance with wheat allotment and diversion.	Same.
6. Marketing quotas	No; farmers turned down in 1964 and bill suspends in 1965. Marketing quotas in effect for 1966 and subsequent years.	Same.
7. National allotment	For 1964 crop: 49,500,000 acres. For 1965 crop: Not less than 49,500,000 acres.	Same.
8. Million-acre reserve for additional allotments subtracted from 49,500,000-acre allotment.	No	Yes.
9. Anfuso amendment (history loss)	Suspended for 1965 crop. In effect for 1964 and 1966 and subsequent crops.	Same.
10. Storage of wheat under bond to avoid loss of history under Anfuso amendment.	No	Yes; applicable only to 1965 and subsequent years.
11. Acreage diversion	Yes; equal to difference between 55,000,000 acres and national allotment in 1964 and 1965. Additional diversion allowed up to 30 percent of allotment or 15 acres. Rate of diversion at 20 percent of normal yield times noncertificate loan price. Diversion contracts for 1 year. Diverted acreage devoted to conserving uses or oilseed crops at lower rate.	Same.
12. Transfer of allotments allowed in event of natural disasters.	No	Yes.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 11, 1964

The House met at 12 o'clock noon.

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

Psalm 133: 1: *Behold, how good and how pleasant it is for brethren to dwell together in unity.*

Almighty God, Thou alone canst minister to all mankind whose life everywhere and always pulsates with the same great needs, the same great longings, and the same great hopes; grant that we may be girded with a great faith in supply and sufficiency of Thy divine wisdom and grace.

May Thy spirit of love and grace pervade and permeate the character and ideals of our own beloved country, and may we be deeply conscious of our responsibility to hasten the dawning of that day when our human race, which is one in origin and destiny, shall be one in a great fellowship of sympathy and service, of peace and good will.

In these days when the whole world seems to be torn by trouble and there is so much of sorrow and suffering, inspire us to carry on courageously and faithfully, seeking to bring about among mankind the spirit of forbearance and forgiveness and declaring to all humanity that the religion of democracy, in its profession, is that of the Fatherhood of God, and in its practice, the brotherhood of man.

Hear us in Christ's name. Amen.

THE JOURNAL

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

THE PAY RAISE BILL

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

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

There was no objection.