our bosoms the best feelings of which our nature is susceptible. * * * A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

This quotation from Monroe's message to the Congress, the same message in which the Monroe Doctrine appeared, clearly shows that the hearts of the American people were with the Greeks in the fight for independence 143 years ago. It also reminds us that the President's hope for a Greek nation as an equal partner in the world community has come to pass. Today, our friend Greece, an excellent example of a responsible member of the international community, is a hard-working, conscientious member of the United Nations, dedicated to the principle that the world must have peace, and that man must not be a slave to any master. As our friend, Greece has joined hands with us in NATO as the free world's Balkan bastion. As a most responsible member of NATO, Greece has kept her military modern, her economy moving and her government stable, while never removing her eyes from the goal of the Atlantic Alliance—world peace. Our friendship must never waiver.

Another heritage that Americans cherish, second only to friendship, is love of liberty and freedom. As the cradle of democracy with the first representative government in the world, it is an irony of history that the land that gave birth to so many democratic concepts would be dominated for almost 400 years. But these are the kinds of cruelties that history plays on nations, and today we rejoice that our friend has been free again for 143 years. More recently Greece has resisted Marxism, and I think it is important to say that communism was never defeated more convincingly. It is a source of great pride to Americans that we had a part in that defeat. It would be wrong to say that Greece is not a Communist satellite today only because of American help. It is closer to the truth to say that American aid helped the Hellenes do what they themselves wanted to do; namely, live in freedom. That they live as a free nation with a common border with three Communist states attests to their bravery and determination to be free from domination.

Greece has also given the world the beginnings of Western civilization. Thousands of years ago saw the first citizens of the Western World living in a highly sophisticated society. Greece's geographical position has been both her fortune and misfortune, and today, as thousands of years ago in that past civilization we know so well, Greece serves to bridge the gap between Europe and Asia. This position at one end of the Mediterranean permitted ancient Greece to absorb and assimilate portions of other civilizations as Greece became the crossroad of the world. It was the same explanation, location, that permitted the Greek civilization to follow the seas and overland routes to the far corners of the earth to serve as the basis of Western civilization.

When we recall that Greece has contributed so much to Western civilization, we almost simultaneously recall that part of her great heritage to us has been defender of Christianity. This becomes clear when we remember that the original New Testament was written in Greek, that the Old Testament was preserved in Greek, and that St. Paul's greatest sermons were to the Athenians. Today, when we hear a great deal about Christian unity, we should remember that Constantine the Great convened the First Ecumenical Council in Nicaea in 325, and from that council came the famous articles of faith known as the Nicene Creed. Indeed, we should remember that the first seven Ecumenical Councils met in Greece.

The world will always be indebted to the Hellenic heritage for its contributions in scholarship. Five hundred years before Christ, Greek scholars, the likes of which the world has never seen, were formulating political and moral philosophies that are the basis of teaching today. Has any nation contributed the equals of Socrates, Plato, Aristotle, Hippocrates, Demosthenes, Pericles, and others? Except in the most modern sense, no people have contributed so much to the sciences—especially medicine, mathematics, astronomy—than have the Greeks. Indeed the Hellenes approaches to these sciences while in their infancy have been the basis of these disciplines for thousands of years.

Greek contributions to beauty and romance and love through the arts is almost unimaginable. So long as man inhabits the earth, ancient, medieval and modern Greek painting, sculpture, drama, literature, language, and architecture will affect the esthetic qualities of man and influence his approach to all other forms of the arts. It is important, I think, to add that these contributions of which I speak are not necessarily confined to ancient Greece. For example, the revolution of 1821, which we celebrate today virtually brought a new era to Greek literature. Since 1821 there has been an abundance of Greek drama of an extraordinarily high quality that is daily praised by the theater community around the world. Greek films have done much to raise moviemaking to a fine communicative art.

Some of the most delicate and breathtaking sculpture in the history of man comes from Greece, and that sculpture continues today to influence that art form. However, we sometimes forget that Greece's modern minor sculpture—woodcarving, furniture, pottery, jewelry, embroidery—is of a remarkably high quality. The 1821 revolution also brought Greek painting and major sculpture back to the world in a profuse manner. The Greek language, one of the most useful and admirable languages ever devised, continues to contribute poetry to the world.

Here in Washington, one the world's most beautiful cities, one is never far from the Hellenistic influence on architecture. Indeed, the magnificent building which houses this Chamber, the Capitol Building, abounds in examples of Greek architecture. The most famous and most popular memorial in this city, the Lincoln Memorial, has a number of authentic examples of Greek architecture.

So it is with pride and pleasure and a sense of humility that I send to our friends the Hellenes our best wishes on their 143d independence anniversary, and a "thank you" for their contributions to our civilization. Our best wishes also extend to the more than 378,000 first and second generation Greeks living in this country, of which 34,000 live in my own State of Massachusetts. Today we salute the Greek nation.

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# HOUSE OF REPRESENTATIVES

## THURSDAY, MARCH 26, 1964

The House met at 12 o'clock noon.

The Right Reverend Protopresbyter Nikolaj Lapitzki, Whiteruthenian (Byelorussian) Greek-Orthodox Church of St. Euphrosynia, South River, N.J., offered the following prayer:

In the name of the Father and the Son and the Holy Ghost. Almighty God and our Father, on this day commemorating the anniversary of proclamation of the independence of Byelorussia we humbly bow our heads and beg Thee to return the freedom to Byelorussia and all other enslaved nations; the freedom, which was taken away by godless power.

O, all generous God and Saviour, we pray to Thee to send Thy blessings to the people of the United States of America, and help through Thy power for the leaders and legislators, gathered here, to bring about peace and freedom for all mankind, so that love and justice would prevail among nations.

So, we all with common united thought and endless love would glorify Thy name.

Thou art Saviour and protector of those who depend upon Thee, now and forever and from all ages to all ages. Amen.

### THE JOURNAL

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

The SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I desire to make several unanimous-consent requests.

### THE SPEAKER AUTHORIZED TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until April 6, 1964, the Speaker be authorized



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to appoint commissions, boards, and committees authorized by law or by the House.

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

There was no objection.

## PRIVILEGE TO EXTEND AND REVISE REMARKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until April 6, 1964, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extension of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

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

There was no objection.

## DISPENSING WITH BUSINESS IN ORDER ON CALENDAR WEDNESDAY, APRIL 8, 1964

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, April 8, 1964, may be dispensed with.

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

There was no objection.

## SUMMARY OF NET BUDGET RECEIPTS AND EXPENDITURES (THE TRADITIONAL ADMINISTRATIVE BUDGET), 8 MONTHS OF FISCAL 1964 VERSUS 8 MONTHS OF FISCAL 1963, WITH COMPARISONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CANNON] may extend his remarks at this point in the RECORD and include certain tabulations on the current status of the budget.

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

There was no objection.

Mr. CANNON. Mr. Speaker, in conformity with practice, we submit herewith, for the information of Members, the regular tabulation of budget receipts and expenditures for the first 8 months of fiscal year 1964, to February 29, with pertinent comparisons to last year and to the latest budget estimates for fiscal 1964.

### BUDGET RECEIPTS

In contrast to budget expenditures, which tend to recur more evenly throughout the fiscal year, the more usual pattern of budget receipts shows September, December, March, and June as peak months; receipts in the first half—July–December—of the fiscal year are usually not as high as in the second half—January–June.

Budget revenues for fiscal 1964 were officially estimated by the President in the new budget in January at $88,400,000,000 which, if realized, would exceed actual fiscal 1963 revenues by $2,024,000,000. In the first 8 months of fiscal 1964 actual budget revenues amounted to $54,166,000,000—some $2,203,000,000 higher than the corresponding 8 months of last year.

### BUDGET EXPENDITURES

Budget expenditures for fiscal 1964 were officially estimated by the President in the new budget in January at $98,405,000,000 which, if adhered to, would represent an increase of $5,763,000,000 over the fiscal 1963 actual budget expenditure. The $98,405,000,000 includes a tentative estimate of $1,788,000,000 expenditure in 1964 from fiscal 1964 supplementals submitted to this current session.

On a straight monthly basis, it would mean an average of $8,200,000,000 per month, in contrast with which the expenditures in the first 8 months, July–February, averaged $8,105,000,000 which in turn compares with $7,757,000,000 in the corresponding 8 months last year; the national defense monthly average was virtually the same as a year ago but the monthly average for all other items—nondefense—was $313,000,000 higher.

As in all past budgets, the revised budget expenditure—disbursements—estimate of $98,405,000,000 for fiscal 1964 represents a composite of estimated disbursements in fiscal 1964; first, from unexpended balances of prior year appropriations; second, from permanent appropriations recurring automatically under prior law; and third, from annual appropriations made currently, including amounts associated with supplemental authority requests submitted or to be submitted in the current session for fiscal 1964.

### EXPENDITURES FOR DEFENSE, SPACE, AND INTEREST—AND ALL OTHER PROGRAMS

Messages and statements associated with the original 1964 budget repeatedly emphasized that expenditure estimates and programs for fiscal 1964 were so planned that total proposed administrative budget expenditures for all programs other than national defense, space, and interest were slightly below the fiscal 1963 level—as then forecast—for such programs. But in the new budget received from the President this past January, updated estimates for fiscal 1964 show expenditures for such other purpose as being above, rather than below, corresponding fiscal 1963 actual spending—$28,007,000,000 now estimated for 1964 compared to $27,355,000,000 actual for 1963, up $652,000,000 from 1963. And in the first 8 months, such other spending was up from the corresponding period of fiscal 1963 by $950,000,000.

### SURPLUS OR DEFICIT

Whether the budget deficit for 1964 turns out to be the $10,005,000,000 foreseen by the President's budget in January, or some other amount, fiscal 1964 represents the 28th year of budget deficits in the last 34 years—with at least one more, perhaps two more, to follow. In summary, here are the official administrative budget deficit figures of the last 3 years:

*Administrative budget deficits*

[In millions of dollars]

| | From July 1, 1961, to date | For 3 full fiscal years, 1962–64 |
|---|---|---|
| Fiscal 1962 (from July 1, 1961) | 6,378 | 6,378 |
| Fiscal 1963 | 6,266 | 6,266 |
| Fiscal 1964 (8 months to Feb. 29, 1964) | 10,679 | ---------- |
| Fiscal 1964 (current estimate in President's 1964 budget) | ---------- | 10,005 |
| Total, as above | 23,323 | 22,649 |

And in total, budget expenditures projected by the President in January in the revised budget for the current fiscal year 1964, compare with certain earlier years as follows:

*Administrative budget spending, 1964 estimate*

[In millions of dollars]

| | Over fiscal 1963 | Over fiscal 1961 | Over fiscal 1954 |
|---|---|---|---|
| 1964 current official estimate for national defense over | +2,542 | +7,803 | +8,311 |
| 1964 current official estimate for other than national defense over | +3,221 | +9,087 | +22,557 |
| Total, 1964 current estimate over | +5,763 | +16,890 | +30,868 |

### THE PUBLIC DEBT

Mr. Speaker, after 8 months of budget operations in the current fiscal year 1964 the total public debt, both direct and guaranteed, stood at $306,919,421,911.04 and compares with certain earlier dates as shown in the following table:

*Federal public debt, direct and guaranteed*

| | Fiscal 1954 | Fiscal 1961 | Fiscal 1962 | Fiscal 1963 | Fiscal 1964 (at Feb. 29, 1964) |
|---|---|---|---|---|---|
| 1. The debt at end of period (in billions) | $271.3 | $289.2 | $298.6 | $306.5 | $306.9 |
| 2. Amount per capita (in dollars) | 1,670 | 1,575 | 1,600 | 1,619 | 1,623 |
| 3. Average for a family of 4 (in dollars) | 6,680 | 6,300 | 6,400 | 6,476 | 6,492 |

**In conclusion, Mr. Speaker, the following table elaborates the receipt and expenditure situation more fully:**

*Budget receipts and expenditures (the traditional administrative budget), 8 months of fiscal 1964 versus 8 months of fiscal 1963 and comparisons with full-year estimates*

[In millions of dollars]

| | Actual for 8 months (to Feb. 29, 1964) | | | President's budget estimates (revised) for all of fiscal 1964 compared to actual results for all of fiscal 1963 | | |
|---|---|---|---|---|---|---|
| | Fiscal 1964 | Fiscal 1963 | 1964 compared to 1963 | Revised budget estimate, 1964 (January 1964) | Actual, 1963 | 1964 revised budget estimate compared to actual, 1963 |
| 1. Budget receipts (net) | 54,166 | 51,963 | +2,203 | 88,400 | 86,376 | +2,024 |
| 2. Budget expenditures (net): | | | | | | |
| (a) National Defense (per official budget classification) | 34,878 | 34,603 | +275 | 55,297 | 52,755 | +2,542 |
| (b) Other than national defense | 29,967 | 27,459 | +2,508 | 43,108 | 39,887 | +3,221 |
| Total expenditures, net | 64,845 | 62,062 | +2,783 | 98,405 | 92,642 | +5,763 |
| 3. Net deficit or change | −10,679 | −10,099 | +580 | −10,005 | −6,266 | +3,739 |
| 4. Average monthly expenditure: | | | | | | |
| (a) National defense | 4,360 | 4,325 | +35 | 4,608 | 4,396 | +212 |
| (b) Other than national defense | 3,745 | 3,432 | +313 | 3,592 | 3,324 | +268 |
| Total monthly average | 8,105 | 7,757 | +348 | 8,200 | 7,720 | +480 |
| 5. Dividing net budget expenditures on the basis emphasized in original budget for 1964: | | | | | | |
| (a) National defense | 34,878 | 34,603 | +275 | 55,297 | 52,755 | +2,542 |
| (b) Space | 2,528 | 1,451 | +1,077 | 4,400 | 2,552 | +1,848 |
| (c) Interest | 7,100 | 6,619 | +481 | 10,701 | 9,980 | +721 |
| (d) All other expenditures | 20,339 | 19,389 | +950 | 28,007 | 27,355 | +652 |
| Total expenditures, net | 64,845 | 62,062 | +2,783 | 98,405 | 92,642 | +5,763 |

Sources: Budget for 1965 and monthly Treasury statement for Feb. 29, 1964.

## TRIBUTE TO GREECE AND BYELORUSSIA

Mr. O'HARA of Illinois. 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 Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as this morning I read the CONGRESSIONAL RECORD of yesterday, March 25, 1964, I was impressed by the unusual and historic nature of the proceedings in the House.

The bill we debated and passed looked to the future. It authorized the money to finance our effort to reach and land on the moon. March 25, 1964, was an important day.

But so, Mr. Speaker, was March 25, 1918, an important day and March 25, 1821, an important day, and yesterday as we in the House of Representatives of the Congress of the United States mapped the future of the age of space we did not forget the anniversaries of two countries the history of which stretches back the many centuries.

How long the Byelorussian people have lived in their homeland in northeastern Europe is not clearly established. It has been over a thousand years. Long before the Russians had an independent state the Byelorussians had a strong, proud sovereign government. In the 16th century, however, the country was overrun and became part of the Czar's domain.

Happily, however, independence returned for a brief time after centuries of suffering and yesterday was the anniversary of that March 25, 1918, on which the Byelorussian people proclaimed their independence. The Byelorussians are a fine people. Many of them have come to our shores and are our worthy and highly regarded fellow Americans. Every American hopes and prays that soon the land of the Byelorussians again will be free and the heel of the Russian oppressors removed.

Yesterday also marked the 143d anniversary since a band of Greek patriots successfully rose up in arms against their Turkish subjugators and began the struggle which was to lead to an independent Greek state. On March 25, 1821, a group of peasants, led by the archbishop of Patras and armed with clubs, slings, scythes, and axes, struck at the Ottoman garrison at Kalavryta. From this town, the rebellion spread rapidly throughout the land. Victory, though, was not rapidly achieved. Turkish troops, aided by the Khedive of Egypt, soon checked the liberators and began a reconquest of lost territory.

Because of the execution of the Greek Orthodox patriarch, Gregorious of Constantinople, and the subsequent massacre of hundreds of Christians, the nations of Christendom became cognizant of the strife and soon began sending aid, both private and governmental, to the beleaguered patriots. From the United States came many volunteers to fight alongside their brothers in democracy. Shiploads of food and medical supplies were also donated and sent by the sympathetic American public.

Only through the intercession of a joint British-French-Russian fleet which proceeded to destroy the blockading Ottoman navy were the Greeks accorded complete victory. Recognized as independent by the Porte in the treaty of Adrianople, September 1829, the Greek nation emerged sovereign and free on May 11, 1832, created and sanctioned by the Convention of London.

Since independence, the Greeks have had to face many dire circumstances, detrimental to their progress. The holocaust of World War II was perhaps the most devastating. Having defied and defeated the invading Italian armies in 1940, the Greek forces were totally outnumbered and overpowered by the Nazi German troops the following year. Then followed 3½ years of brutality, terrorism, massacres, and starvation. Towns were obliterated, cities stripped of industries. And yet, the people fought on, defiant in their action, refusing to submit to the conquering warlords.

When the Germans were driven out by an Anglo-Greek force, the Government looked forward to a peaceful period of reconstruction. External factors, however, disrupted all preconceived plans. Backed by Soviet Russia and its satellites, Communist guerrilla bands began a series of armed raids, eventually seizing much of the countryside and challenging the Government to open warfare. With aid sent once more from the United States, the loyal troops rallied around their late beloved King, Paul I, and totally defeated the terrorists.

Today Greece is enjoying a period of economic development. Vast industrial projects now dominate the city skyline. Tourism, an integral part of the national budget, continues to expand; for the beauties of the Grecian temples, of the Aegean Islands and dramatic presentations of the Grecian poets and playwrights, are always drawing attractions

for everyone. The Greek merchant marine is enlarged yearly, carrying tonnage to all parts of the globe. As a member of NATO, the Greek armed services are recognized as an efficient fighting force, capable of defending their homeland and the territories of their comembers.

We in the United States are indebted to the Greeks for many things—for governmental principles, art, science, and plays. But most of all, through the Greek immigrant who came to our shores to find a new life, we have discovered and adopted his customs and incorporated them as contributions to the American way of life. Therefore, I am proud to add my congratulations to the Greek people as they celebrate this patriotic national holiday and wish them continuous success and prosperity for the future.

Among my efficient and dedicated congressional secretaries, a most valuable member of my staff, is American-born Frances Patsoureas, in whose veins courses the proud blood of the land of Plato, Aristotle, Aeschylus, Phidias, and the other immortals of Greece.

## THE LATE ANDY FRAIN

Mr. LIBONATI. 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 Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, one of our celebrated native Chicagoans, Mr. Andy Frain, who made ushering a science, died on March 25, in St. Mary's Hospital in Rochester, Minn. He was 59 years old. Mr. Frain was a product of Chicago's "back of the yards" area, at 37th and Lowe Avenue. He came from humble circumstances and a large family—17 children.

It was natural that he learned the basic talents for ushering from his mother who marshaled, guided, and controlled her large brood in unit formation. In his early career, he was employed at the White Sox park, renting seat cushions at 10 cents per cushion—after hours collecting the same, as well as the empty pop bottles lying around the seating area of the park.

Through the influentional interest of Mr. Philip K. Wrigley and Bill Veeck, he was promoted into ushering people at the games. There has not been a major event in any of the sports, religious, cultural, or mass-meeting programs held in major cities where his ushering services were not contracted for. He established offices in 17 major cities, with headquarters at 1817 West Madison Street, Chicago. In his hiring, he emphasized the employment of young men of high school and college age for this work, thereby aiding thousands of young men and young girls to pursue their careers in education through college, by ushering. There are many outstanding and important people in life who are indebted to him for their financial start, including clergymen, physicians, attorneys, government officials, industrialists, scholars, and scientists.

Andy Frain realized the necessity for organized ushering upon witnessing several rioting and milling crowds at affairs where a disciplined, unified programing was lacking. The hundreds of gate crashers who edged their way into the park without tickets, were the cause of most of the trouble, because of their disturbance of the seating patterns.

Dishonest gatemen passed persons through for a little bribe, and timid doorkeepers passed through formidable "toughs" in fear of bodily harm, but Andy Frain changed all of this by teaching a semimilitary organization that saw to it that no one passed who did not hold a bona fide ticket, and no one was seated who did not have the proper ticket for that seat. He realized that the responsibilities were great to best serve the public interest, but his men were rugged and determined that the rules were the same for everyone and must be kept, in order to control the situation for which they were hired.

The greatest problems were experienced at national political conventions, whereat persons presented themselves at the gate with courtesy letters written by a powerful "political," expecting the holder to gain admittance. But to Andy Frain this was only an invitation to be more guarded in his vigilance and that of his men, and the bearers of such requests were denied admittance. Certainly he gained the enmity of some individuals, including leaders; on the other hand, he earned the respect of his employers because of his efficiency and honesty of purpose. Andy Frain's trained corps received its instructions prior to the event and rehearsed their respective duties before the crowds arrived. Their handling of the situation was like clockwork in its precision. A blueprint study of each section was delivered to the individual usher assigned to that area. Andy Frain was a genius in his work and we know that his sons, who have been schooled by him to take over his enterprise, will function with the same perfection as their dad. Andy Frain died of a heart attack, while in Rochester for a physical checkup. There is no question but that he ailed for 4 years and 1 week; since the day that he was waiting for the arrival of his wife by plane at Miami, Fla., when he learned of her death in the plane crash over Tell City, Ind. From that day to the day of his death, his path of life was only a transistory one—a way of being united in her embrace again.

To him, his wife's death ended life's dream. Although his children were a comforting influence, the loss of his lovely wife was too great a sadness to bear—and so, with a lingering weakness of will, he awaited death.

God will be good to this fine, upright man who raised the level of a humble service to that of public admiration, and it provided an avenue of opportunity for the youth of the land to earn moneys to pay their way through college. The fine example he set for youngsters and the advice and guidance that he gave to them contributed much to their later successful careers in life.

We, the members of the Illinois delegation, extend our heartfelt condolences to his daughter, Cornelia Bridget, and to his five sons—Andy, Junior, Michael, Peter, Patrick, and Francis. The Nation and its youth have lost a valuable benefactor and friend.

The high esteem in which he was held is reflected in the following articles appearing in the Chicago Tribune, Thursday, March 26:

ANDREW FRAIN, USHER CHIEF, IS DEAD AT 60; MANY LEADERS STARTED WITH CHAIN

(By George Bliss)

Andrew Thomas Frain, 60, head of the Andy Frain Usher Service and nationally known expert in the handling of crowds, died yesterday morning in St. Mary's Hospital, Rochester, Minn.

Mr. Frain, who was known as Andy to the thousands of young men who worked for him, as well as to sports, political, and other celebrities, died of a heart attack.

WIFE DIES IN CRASH

He had been in ill health since his wife, Mrs. Dolly Frain, died on March 17, 1960, with 62 other persons in a plane crash near Tell City, Ind.

Despite his illness, Mr. Frain remained active in his organization. He directed the handling of the crowd at the Sonny Liston-Cassius Clay heavyweight championship fight on February 25 in Miami Beach. He was making plans to direct the ushering service for the Kentucky Derby in May.

RETURNS FROM FLORIDA

Mr. Frain, who had been staying at his winter home in Fort Lauderdale, Fla., arrived home at 6649 Navajo Avenue, Lincolnwood, on March 12 and went to the Mayo Clinic in Rochester, Minn., on March 18.

More than 50,000 young men had worked for Mr. Frain since he formed the blue clad usher organization 40 years ago at Wrigley Field. At one time he had offices in 26 cities but recent years curtailed his operations, continuing services in Louisville, Ky., Minneapolis, Miami, St. Louis, and Cincinnati.

Lawyers, priests, FBI agents, public officials, doctors, dentists, business executives, newspaper and magazine writers, and thousands of others started their careers while working for Mr. Frain and paying their tuition in high school and college.

ONCE EMPLOYED BISHOP

Bishop Cletus F. O'Donnell, auxiliary bishop and vicar general of the Chicago Catholic archdiocese, was one of the young men from Chicago who helped Mr. Frain take over the Kentucky Derby in Louisville in 1934 and 1935. Bishop O'Donnell, who remained one of Mr. Frain's close personal friends, recalled that Mr. Frain helped him and many others receive their education. State's Attorney Daniel P. Ward worked for Mr. Frain during his college days.

Mr. Frain was known to pay the tuition of young men who encountered financial problems with the promise that the payments would be kept secret.

FRIEND OF MAYOR

Mr. Frain, who liked to boast that, "I was born back o' the yards," was a lifelong friend of Mayor Daley. Mr. Frain, Daley, and Stephen M. Bailey, vice president of the Chicago Federation of Labor, were classmates at the Nativity of Our Lord School at 653 West 37th Street. He was 1 of 16 children.

The city council yesterday unanimously passed a memorial resolution honoring Mr. Frain as "a great Chicagoan" and "a man always willing to help someone in need."

Mr. Frain was the first honorary member of the Chicago Newspaper Reporters Association, and in 1960 was honored with a plaque for his "friendship to all members of the newspaper profession."

He was known as Andy to at least four Presidents of the United States and became acquainted with Prince Rainier of Monaco.

STARTED AT 12

He began his career at the age of 12, renting seat cushions at Comiskey Park. He received his start in ushering when William Wrigley, Jr., owner of the Cubs, loaned him $5,000 to buy uniforms.

Mr. Frain is survived by a daughter, Cornelia Bridget, 15; five sons, Andrew D., 30; Michael B., 24; Peter B., 20; Patrick F., 17; and Francis D., 16; five grandchildren; and a sister.

Mass will be said at 11 a.m. Monday in Queen of All Saints Catholic Church, 6280 Sauganash Avenue. The wake will be held in the chapel at 6150 North Cicero Avenue.

ANDY FRAIN

Back in the 1920's during the golden era of sport, a young man from Chicago's back of the yards donned a distinctive blue and gold uniform and started finding seats for spectators at sports events. Yesterday he died in the Mayo Clinic in Rochester, Minn., but long before his death Andy Frain had made his name synonymous with ushering as the master manipulator of crowds.

Chicago was the Frain home base, the city where he first brought order out of chaos at baseball games and every other sporting event which drew large crowds. But the Frain technique of crowd control extended his enterprise at one time to 25 other major cities and into the arena of national political conventions. His ability to handle the issuance of tickets to hordes of politicians at the 1960 Republican Convention in Chicago established Andy as without peer in this area of nervous sensibilities.

To the public, Andy Frain will always be the dapper young usher who makes sure that the spectator gets to the correct seat in a large arena. To many other Chicagoans—lawyers and doctors, judges and priests, politicians and newspapermen—who once wore the uniform of old Frain U, Andy will be remembered as the kid who never finished grammar school but made it possible for them to go to college.

With the thousands of friends that Andy had, they'll be needing the ushers at his wake.

## PRESIDENT SUKARNO OF INDONESIA

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

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

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, it was with some considerable interest I noted on the United Press International Wire Service that President Sukarno of Indonesia has told the United States to "go to hell" with our aid.

I would like to respectfully suggest that the State Department convey to Sukarno our belief that anyone who has had dealings with Sukarno has already been there.

Certainly, he has turned his formerly rich country into a living hell, no longer able to feed its people nor take care of their needs.

While his people go hungry, while his workers look for homes and schools, Sukarno's only answer to these pressing problems is to bully a smaller neighbor, Malaysia, and to waste the labor of his people on weapons and destruction.

At a time when the world needs creative effort, Indonesia's leader is bent only on destroying that which he cannot control.

We have been mollycoddling this minor league Hitler long enough. By his latest words and deeds, Sukarno has confirmed the wise decision of the Congress last year to cut off aid to Indonesia except when the President deems such assistance vital to the interests of the United States.

I was happy to have introduced this amendment and to have it enacted into law.

After Sukarno's latest outburst, I think President Johnson will agree that there is nothing vital to our interests in continuing any aid to Sukarno.

## CUBA

Mr. WYMAN. 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 Hampshire?

There was no objection.

Mr. WYMAN. Mr. Speaker, I want to express myself as being in wholehearted disagreement with the amazing, incredible, and dismaying remarks regarding American foreign policy of the chairman of the Senate Foreign Relations Committee made on the Senate floor yesterday wherein he has indicated in regard to Cuba that Castro is here to stay; that we will not fight to oust him because it is not worth it, and has implied that such a policy is called "daring thinking" for America, a policy I might say that invites surrender on the installment plan of the rest of the free world to communism bit by bit and piece by piece.

May the Lord help us should this sort of policy be in effect——

Mr. HECHLER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HECHLER. Mr. Speaker, the gentleman's remarks are directed to a Member of the other body, which is a violation of the rules of the House.

The SPEAKER. The Chair will say that under the rules no Member may refer to a Member of the other body, or to a speech another Member has made in that body.

The gentleman from New Hampshire will proceed in order.

Mr. WYMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WYMAN. Mr. Speaker, I had no intention to violate the rules of the House. The speech is a matter of record. It was made by the chairman of the Foreign Relations Committee of the Senate, and I do not know how I could refer to it otherwise. The speech is in the RECORD, and it is before us at our seats.

May I inquire as to how I may now properly refer to the speech and disassociate myself from its views without referring to its author?

The SPEAKER. The Chair has stated what the rules of the House are. The Chair did not use the word "violate." The Chair did not go that far. The Chair simply says reference to a Member of the other body is not proper, and is not consistent with the rules of the House. The gentleman was recognized to proceed in order.

Mr. WYMAN. Mr. Speaker, I will, of course, accord with the rule and I will therefore refer only to prominently publicized remarks appearing on the front pages of the Nation's newspapers of last night and this morning.

Mr. Speaker, although I am not a member of the Foreign Affairs Committee, I feel obliged to express outspoken disagreement with and rejection of certain prominently publicized remarks alleged to constitute "daring thinking" on our Cuban policy. I am amazed to hear coexistence with Communist governments and military buildup in this hemisphere urged upon Americans before the world.

The elimination of Communist control of Cuba and Communist export of subversion from this island throughout Latin and South America should be our number one hemispheric foreign policy objective. In this, there should be no compromise nor equivocation in our determination to strangle the Castro government in Cuba on the vine by an economic quarantine enforced on the high seas against all cargoes except food and medical supplies.

To urge upon our people and to tell the world that Castro is here to stay but it is not too important a matter and that we should proceed with other hemispheric tasks despite the Communist buildup in Cuba is so wrong, so lacking in principle, and so destructive of the national morale that it is incredible to hear. This is not daring thinking at all. It is just plain nonsense if not worse.

A fair question to ask these days is how far must sheer intellectualism destroy America's determination to remain free? How far are we to yield to the concept that because standing firm for freedom may involve confrontations that may risk limited war, which might escalate into nuclear war, that we should just lie down and surrender to Communist evil all over the world since the risk of war in the nuclear age is too great?

Mr. Speaker, if the formula of surrender on the installment plan is to include countries in our own backyard it will undermine the national security, render the hemisphere permanently penetrated by Communist military operations aimed at our destruction, and lose for freedom the remainder of the free world, bit by bit, chunk by chunk, not only in far-off places, but right here in our own hemisphere. This is an invitation to communism to steal the rest of the world and an announcement that we will not fight to prevent this.

On the street, among ordinary good Americans there are more simple phrases to describe such a program for surrender. In this dismay that follows the shock of reading such remarks comes incredulity—disbelief. This is abdication of honor and principle, afraid to risk a confrontation. Americans are not afraid.

Yet, it is impossible to avoid the inference from the mere advocacy of such a policy in relation to Communist confrontation that the United States is either too scared or too "intelligent" to risk a showdown with communism in defense of our way of life. If this is to be American policy and posture, the Communists will go right on stealing the world until the balance of power has shifted to the Communist bloc, and once this happens we can rest assured we will receive an ultimatum to surrender or face nuclear obliteration. I want no part of it.

## BEEF IMPORT CONTROL

Mr. FOREMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a bill I have introduced.

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

There was no objection.

Mr. FOREMAN. Mr. Speaker, regardless of many recent statements by the Department of Agriculture and other high administration officials expressing sympathy, and proposing superficial measures supposedly designed to control the ever-increasing flow of meat imports into this country, very little action has been forthcoming to correct this critical problem facing our domestic beef and mutton producers.

Indeed, those of us representing beef and mutton producing areas were surprised and dismayed at the recent proposal made by the Departments of State and Agriculture to curb the onslaught of foreign beef and mutton. This voluntary agreement entered into last month with Argentina and New Zealand would supposedly reduce beef product imports by the United States to 6 percent below the 1963 level. However, the 1963 import level was 110 percent above the 1961 level. Certainly it would seem that when a domestic industry is clearly suffering from imports, as in the case of the meat producing industry of this country, action which pegs the import level at the highest level in the history of the Nation is definitely unrealistic, if not irresponsible.

In the State of Texas alone, during 1962, the returns from the sale of cattle and calves amounted to over $675 million. This was from the sale of 4,675,000 head of cattle. In the past few years, the cash receipts from marketing cattle and calves in Texas has increased by 60 percent, but the profit margins have been on a downward trend. Reliable economic analysis shows that the present level of imports has reduced domestic cattle prices by $2 to $3 per hundredweight. Still, the industry is operating under tariff rates laid down more than 30 years ago, and even those rates have been cut by 50 percent by the Reciprocal Trade Agreements Act.

Beef importation has been increasing at a dangerous rate for the last several years. In 1956, imports equaled only 1.6 percent of the domestic production, but in 1962, imports had jumped above 12 percent of domestic production. Not only have the present import rates had a depressing effect on the price structure of the industry, but also, the future for cattle prices looks bleak.

Certainly, with the conditions now facing the cattle industry, and with conditions that appear to be steadily growing worse, it would seem that the proper path for the Government to take would be one seeking relief for the domestic livestock industry, not to make permanent a bad situation.

Because of the seriousness of the plight facing the domestic beef and mutton industries, and because of the lack of constructive action on the part of the administration, I am introducing a bill that is designed to establish a realistic set of import quotas for beef, lamb, and goat meat, and pork. These quotas are set up by averaging the imports of these meat products over the last 5 years. The bill will also allow an increase in imports once the market price of the affected products reach or excell the parity price.

The proposed bill:

H.R. 10644

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Meat and Meat Products Import Limitation Act of 1964".

SEC. 2. Subpart B of part 2 of schedule 1 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 19, Aug. 17, 1963) is amended by striking out "headnote" and inserting in lieu thereof "headnotes", and by adding after headnote 1 the following new headnote:

"2. (a) BASIC QUOTAS ON MEAT AND MEAT PRODUCTS.—Except as otherwise provided in this headnote, the quantity of articles in each category listed in this paragraph which may be entered in any calendar quarter beginning after December 31, 1964, shall not exceed:

"(i) In the case of articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat), 168,500,000 pounds.

"(ii) In the case of articles specified in item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (other than lambs)), 12,850,000 pounds.

"(iii) In the case of articles specified in item 106.30 (relating to fresh, chilled, or frozen lamb meat), 3,200,000 pounds.

"(iv) In the case of sausages (other than sausages in chief value of pork), specified in items 107.20 and 107.25, 550,000 pounds.

"(v) In the case of articles specified in items 107.40, 107.45, 107.50, 107.55, and 107.60 (relating to certain prepared or preserved beef and veal), 28,700,000 pounds.

"(b) ADJUSTMENT OF QUOTAS.—

"(i) BEEF AND VEAL.—If, for any 6-month period ending on September 30 or March 31, the average price received in the United States for cattle (not including calves) equals or exceeds the average parity price for such cattle, then for the second and third calendar quarters beginning after the close of such period the quotas specified in paragraph (a) with respect to the categories set forth in subparagraphs (i), (iv), and (v) of such paragraph are hereby increased. The amount of the increased quota for any such category shall be the amount which bears the same ratio to the amount specified in the applicable subparagraph as the number of pounds of the total commercial slaughter of cattle (not including calves) in the United States during such 6-month period bears to 7,352,000,000 pounds.

"(ii) MUTTON.—If, for any 6-month period ending on September 30 or March 31, the average price received in the United States for sheep (not including lambs and yearlings) equals or exceeds the average parity price for such sheep, then for the second and third calendar quarters beginning after the close of such period the quota specified in subparagraph (ii) of paragraph (a) is hereby increased. The amount of the increased quota shall be the amount which bears the same ratio to the amount specified in such subparagraph (ii) as the number of pounds of the total commercial slaughter of sheep (not including lambs and yearlings) in the United States during such 6-month period bears to 35,000,000 pounds.

"(iii) LAMB.—If, for any 6-month period ending on September 30 or March 31, the average price received in the United States for lambs (including yearlings) equals or exceeds the average parity price for such lambs, then for the second and third calendar quarters beginning after the close of such period the quota specified in subparagraph (iii) of paragraph (a) is hereby increased. The amount of the increased quota shall be the amount which bears the same ratio to the amount specified in such subparagraph (iii) as the number of pounds of the total commercial slaughter of lambs (including yearlings) in the United States during such 6-month period bears to 350,000,000 pounds.

"(iv) DETERMINATIONS.—

"(A) For purposes of this paragraph, the average price received for any article for any 6-month period, and the average parity price for such article for such period, shall be determined by averaging the appropriate figures (as published by the Secretary of Agriculture) for each of the 6 months in such period.

"(B) For purposes of this paragraph, the determination of the commercial slaughter of any article for any period shall be made on the basis of dressed weight and shall be made on the basis of data for the continental United States (excluding Alaska).

"(C) All determinations required by this paragraph shall be made by the Secretary of Agriculture and shall be final. All determinations required by this paragraph with respect to any 6-month period shall be made not later than the 35th day after the close of such period. If such determinations result in an increased quota, the Secretary of Agriculture shall immediately certify to the Secretary of the Treasury the amount of such increased quota.

"(c) EXCEPTIONS.—

"(i) NATIONAL EMERGENCIES.—The operation of this headnote shall be suspended with respect to any period which the President declares to be a period of national emergency.

"(ii) NATURAL DISASTERS TO LIVESTOCK.—The operation of this headnote shall be suspended (or the quota increased) with respect to a category specified in paragraph (a) if the President determines that because of a natural disaster to the livestock in the United States from which articles like the articles specified in such category are produced, the United States supplies thereof are inadequate to meet demand at reasonable prices to domestic consumers therefor. Such suspension or increase shall be for such period, and any such increase shall be in such amount, as may be necessary to meet such demand, as determined and proclaimed by the President. Any determination by the President under this subsection shall be final.

"(iii) SMALL ENTRIES.—For purposes of this headnote, any individual entry having an entry weight of 25 pounds or less shall not be taken into account.

"(d) PRORATION OF QUOTA OVER CALENDAR QUARTER.—If the Secretary of Agriculture

determines with respect to any category specified in paragraph (a) that the articles in such category are being imported and placed in the market at such times as to disrupt the orderly operation of such market, he shall so certify to the Secretary of the Treasury. Thereafter, the calendar quarter quota for such category shall be prorated over each such quarter on such monthly (or more frequent basis) as the Secretary of Agriculture determines and certifies to the Secretary of the Treasury as being necessary to prevent the disruption of the orderly operation of such market.

"(e) ENTRY WEIGHT.—For purposes of this headnote, the number of pounds taken into account with respect to the entry of any article shall be the number of pounds at which such article is entered for customs purposes."

SEC. 3. No trade agreement or other international agreement heretofore or hereafter entered into by the United States shall be applied in a manner inconsistent with the requirements of this Act.

## CUBA

Mr. DEROUNIAN. 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. DEROUNIAN. Mr. Speaker, following the gentleman from New Hampshire [Mr. WYMAN], with whose remarks I agree completely, I just want to say that the oracle in the other body who made what he thought was a world shaking pronouncement yesterday is probably getting a medal cast for him by Castro in Cuba today.

## MEDICAL AND HOSPITAL CARE OF THE AGED

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

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

There was no objection.

Mr. GURNEY. Mr. Speaker, providing adequate medical care for those of our citizens over 65 is of particular interest to me and the people of the 11th District, many of whom are retired and live on small, fixed incomes.

Several proposals have been advanced. Perhaps the most widely known plan provides for an extension of social security contributions to issue mandatory fixed insurance.

The latest social security plan, however, does not assist our older citizens in paying the surgical fees; in short, the doctor bills. The hospital coverage is also inadequate.

There are several other specific areas in which the so-called King-Anderson bill does not provide sufficient medical coverage.

Furthermore, the coverage is rigid and cannot be altered to provide a plan to suit individual needs.

I have today introduced a bill to provide medical and hospital care of the aged through a system of voluntary health insurance.

I believe this plan is far superior to the King-Anderson approach because it makes possible much greater coverage and less cost.

Furthermore, after this plan becomes effective, the volume of policies issued by the various private insurance companies may well lower premiums and make possible even greater coverage.

## PROCEDURES OF THE HOUSE OF REPRESENTATIVES

Mr. CURTIS. 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 Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, I have been granted a special order for 10 minutes today to discuss House procedures.

I was very disturbed yesterday to hear the majority leader in defense of the unwarranted procedure being employed to bring out the cotton-wheat bill and defend it on the ground that the House majority should be able to work its will. I am deeply disturbed whether this defense that the majority leader used came from lack of thinking the matter through, which is almost as dangerous as if he had thought it through, because the essence of representative government is that the majority work its will after study, discussion, and debate. The whole reason for rules of procedure is how a matter shall be studied and debated. It was never intended that the Congress or any parliamentary body that is independent should simply work the will of the majority. Under Hitler and under Stalin the parliamentary system existed, but the difference there was that the majority worked its will without debate and discussion.

## WHEAT SALES TO THE COMMUNISTS

Mr. FINDLEY. 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. FINDLEY. Mr. Speaker, while the East German Government was sending three unarmed U.S. airmen to their graves and three others to the hospital, U.S. taxpayers were financing wheat sales to the same Communist regime to the tune of more than $2,500,000.

On January 28, a T–39 U.S. Air Force transport was shot down by an East German fighter plane over the East German border, and three airmen aboard died.

Within the preceding week—starting January 20—the U.S. Government approved export subsidy payments of more than $1,250,000 on wheat shipments to East Germany.

The criminal act by the East German Communists on January 28 did not slow the subsidy wheels a bit.

Two days later, on January 30, an additional export subsidy payment of over $98,000 was approved for more wheat to East Germany.

By March 5, the U.S. Government had approved export subsidy payments of $2,722,386 on wheat shipments to East Germany totaling 4,063,264 bushels. U.S. flour mills do not get this fancy discount. Quite the contrary, under the farm bill soon to be considered by the House, U.S. flour mills will have to pay a processing tax of 70 cents per bushel. Meanwhile, we provide wheat for the Communists at a discount of 67 cents a bushel.

East Germany replied to this neighborly—and expensive—cooperation on March 10 by shooting down another unarmed U.S. plane—this time sending three airmen to the hospital.

Despite the killing and wounding of U.S. airmen and constant harassments of U.S. military vehicles on access routes to Berlin, East Germany gets the same favored treatment in wheat purchases as friendly countries.

No wonder American prestige has sunk to a low ebb.

Here are the sorry facts, as supplied by the Department of Agriculture:

| Date | Class and grade | Tons | | Destination |
|---|---|---|---|---|
| | | Metric | Long | |
| Dec. 16, 1963 | No. 2 Red Winter | | 9,500 | East Germany. |
| Dec. 18, 1963 | do | | 2,500 | Do. |
| Jan. 20, 1964 | do | | 1,500 | Do. |
| Jan. 21, 1964 | No. 2 Soft White/Red Winter | 12,000 | | Do. |
| Do | No. 2 Red Winter | | 1,500 | Do. |
| Jan. 22, 1964 | do | | 2,000 | Do. |
| Jan. 23, 1964 | do | | 1,900 | Do. |
| Do | No. 2 Red Winter/Soft White | 12,000 | | Do. |
| Jan. 24, 1964 | do | 20,000 | | Do. |
| Jan. 30, 1964 | No. 2 Red Winter | | 4,000 | Do. |
| Feb. 4, 1964 | No. 2 Red Winter/Soft White | 22,000 | | Do. |
| Feb. 20, 1964 | No. 2 Red Winter | 6,800 | | Do. |
| Feb. 28, 1964 | do | 6,800 | | Do. |
| Mar. 5, 1964 | do | 7,700 | | Do. |

| | |
|---|---|
| Total: | |
| Metric tons | 87,300 |
| Long tons | 22,900 |
| Converted to bushels | 4,063,264 |
| Average rate of subsidy payment per bushel | about $0.67 |
| Total estimated subsidy payment | $2,722,386 |

## RETURN OF AMERICAN AIRMEN SHOT DOWN OVER SOVIET-OCCUPIED GERMANY

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

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

There was no objection.

Mr. LINDSAY. Mr. Speaker, 3 weeks ago three American airmen were shot down over Soviet-occupied Germany. One flier has been released. The other two remain in custody—where we do not know. Last weekend, at the Secretary's level, word was received by the United States that the fliers would be released. Our Government quite rightly regards this as a commitment. But why the delay? The Congress quite appropriately must ask the question—why is the commitment not lived up to and the fliers released forthwith?

## LEGISLATIVE PROGRAM

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute in order to ask the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT] to announce the legislative program for the week after next, if he will.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, the program for the week of April 6, 1964, is as follows:

MONDAY, CONSENT CALENDAR—SUSPENSIONS (ONE BILL)

S. 1828, authorizing the appropriation of funds for the Battle of Lake Erie Sesquicentennial Celebration Commission.

TUESDAY AND WEDNESDAY, PRIVATE CALENDAR

H.R. 10222, Food Stamp Act of 1964, open rule, 4 hours' debate.

House Resolution 665, providing for concurrence in the Senate amendments to H.R. 6196, a bill to revitalize the American cotton industry.

H.R. 287, including Nevada among States permitted to divide their retirement systems into two parts for OASDI coverage purposes.

H.R. 1608, providing that aircraft engines and propellers may be exported as working parts of aircraft.

H.R. 2330, providing that antiques may be imported free of duty if they exceed 100 years of age.

H.R. 2652, duty-free importation of certain wools for use in manufacturing of polishing felts.

H.R. 3348, extending time for teachers in Maine to be treated as covered by separate retirement systems for OASDI purposes, and permitting Texas to obtain coverage for State and local policemen.

H.R. 4198, free importation of soluble and instant coffee.

H.R. 4364, free entry of mass spectrometer for Oregon State University and spectrometer for Wayne State University.

H.R. 7480, temporarily suspending the import duty on manganese ore—including ferruginous ore—and related products.

H.R. 8268, to prevent double taxation of certain tobacco products exported and returned unchanged to United States and subsequently reprocessed.

H.R. 8975, providing for the tariff classification of certain particleboard.

H.R. 9311, suspension of duty on alumina and bauxite.

H.R. 9393, extending time for ministers to elect coverage under OASDI, providing full retroactivity for disability determinations, and for other purposes.

Senate Concurrent Resolution 19, designating "bourbon whiskey" as a distinctive product of the United States.

THURSDAY AND BALANCE OF WEEK

H.R. 10723, 1965 appropriations, legislative.

Of course, this announcement is made subject to the usual reservation that any further program may be announced later and that conference reports may be brought up at any time.

Mr. ARENDS. I thank the gentleman.

## RULES OF THE HOUSE

Mr. ALBERT. 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.

Mr. ALBERT. Mr. Speaker, I believe that any fair reading of the remarks which I made yesterday will make it perfectly clear that the remarks of the distinguished gentleman from Missouri [Mr. CURTIS] were not applicable to what I had to say. In my remarks I summarized by saying:

> I am for majority rule; I am for the rules of the House.

The rules of the House provide not only for majority rule but also for methods to protect orderly procedure and to protect the rights of the minority.

The rule which was requested and the rule which was granted by the Committee on Rules is a special rule identical with special rules of this kind which have been used in this House for many, many years. There is nothing extraordinary about that procedure.

If the gentleman knows anything about the debates which have been held on cotton and wheat bills in this Chamber, covering the identical subject matter covered in the amendments made in order by this rule, he knows that this matter has been thoroughly discussed not only in the Committee on Agriculture but also on the floor of the House many times.

Mr. STINSON. 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 Washington?

There was no objection.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. STINSON. I yield to the gentleman from Missouri.

Mr. CURTIS. I hope the gentleman from Oklahoma will remain on the floor at the time I shall speak on this subject. I announce this. We shall have 10 minutes, when we shall have an opportunity to discuss this matter, so that we will not have any more of one man making a speech and refusing to yield and engage in debate. Then we can examine into the depths of whether or not this is an ordinary procedure or, as I have described it, throwing out the window the whole theory of representative government.

Mr. PRICE. 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 Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, I was on the floor yesterday when the distinguished majority leader made his remarks. I believe he was entirely correct in his explanation of the procedure involved in connection with the consideration of the matter which has been referred to here this afternoon. The majority leader stated the procedure was in keeping with the rules of the House. I believe the gentleman from Missouri has been a Member of this body long enough to understand that the procedure which was announced for the consideration of the rule on H.R. 6196 is entirely within the rules and customs of the House.

## FOREIGN POLICY ADDRESS

Mr. FRASER. 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 Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, I deeply regret the remarks which were made on the floor of the House earlier today by the gentleman from New Hampshire and the gentleman from New York. I am not concerned so much about whether their remarks were in violation of the rules of this House as I am concerned about their reaction to the speech to which they were adverting.

Mr. Speaker, I read that same speech about which they were talking, and I believe it is a speech which ought to be read by every American, and certainly by every Member of the House. It was a courageous speech. It suggested that we should reexamine some of the premises upon which we are conducting the foreign policy of this Nation.

I can only say that if we are unwilling to take a careful and critical look at some of the foreign policies of this Nation from time to time, as events and circum-

stances change—if we are unwilling to examine our own assumptions in order to set ourselves aright, in the manner suggested in the speech made by the Member of the other body—then it seems to me we are losing one of the great values of an open society.

I think that this speech has much to commend it. I do not agree with everything in it, but I certainly do not agree with the reaction of the two gentlemen to whom I referred earlier.

## ELECTRONICS RESEARCH CENTER

Mr. HECHLER. 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 West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, yesterday the House of Representatives voted funds to authorize expenditures for the space program by the NASA. Construction funds were voted for an electronics research center which will be placed at Boston, Mass. It was conclusively demonstrated during the debate yesterday that the Electronics Research Center is necessary to maintain America's preeminence in space. Many times on this floor, along with those who yesterday protested against the disproportionate geographic distribution of NASA contracts, I have also protested against the fact that West Virginia has been shortchanged. However, I would like to point out that Massachusetts made many, many contributions to this Nation, not the least of which are our great Speaker and our beloved former Speaker, the gentleman from Massachusetts [Mr. MARTIN].

Above all, Massachusetts gave the 35th President of the United States to our country, the greatest friend that the 35th State, West Virginia, has ever had, the late John F. Kennedy.

## SPEECH MADE IN THE SENATE

Mr. CLEVELAND. 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 Hampshire?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the gentleman from Minnesota has said that he hopes everybody in the country will read the Senator's speech. There is no question that everybody in the country will read the speech. The publicity given this speech in the New York Times and Washington Post makes this clear. The question is, Mr. Speaker, whether or not the people of the country will have an opportunity to read the comments on the speech and to have a real public debate on it. The publicity given this speech suggests this speech may have been written or conceived by some of the people who have done so much to publicize it.



## SECTION 371, RULES OF THE HOUSE

The SPEAKER. The Chair is going to be very strict in the future with relation to references to speeches made in the other body or to references to Members of the other body. The Chair feels at this time it might be well to read the rule of the House covering this subject:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

## PRESIDENT JOHNSON'S POVERTY PROGRAM

Mr. QUIE. 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 Minnesota?

There was no objection.

Mr. QUIE. Mr. Speaker, during the Easter holidays, every Member of the House of Representatives who swears allegiance to the Democratic Party, will mount a white donkey and set forth to do battle against a new Madison Avenue foe called poverty. They will not actually set lance against this new enemy—the weapons that they use will be that of words. The words will not be of their own making but those of the Democratic National Committee.

That committee has just prepared complete speeches and news releases for each of the Democratic Members. I said that every Democrat in the House would go forth to do this mission. I should have said "all but one," for one copy was inadvertently left in my office.

Reading these propaganda sheets, one can but come to the conclusion that the new administration is putting a "vocal rubberstamp" policy into effect. This is indeed strange tactics for a political organization that has accused the party of the opposition of adopting some of the remarks of their national chairman—a Member of the Congress.

Certainly the person who prepared this piece of propaganda might well have read the proposed legislation. Many of the measures that he said were part of the program are not even in the legislation.

The opening battle cry on the "ghosted" document states:

> The war against poverty has begun.

It further says that President Johnson is leading the attack. I can see how this could be believable to people of other nations. The people of our Nation know full well that our policy is to eliminate every vestige of poverty. This has been the case since our founding days.

I cannot believe that there is any partisanship in this effort. There might have been some differences of opinion as to the best method to achieve the final result but the objective of the President and the Congress has always been for the welfare of all of our citizens.

On this score, I find myself in defense of all of the Members of our 88 Congresses and the Presidents who served since the founding of our country.

The inference is made in the cliche-ridden, mimeographed speech that now for the first time in our history, we have a President with a concern for the impoverished and a man "brilliant" enough to administer such a program. The man who they adorn with the adjective of "brilliant" is Sargent Shriver. Any audience listening to this canned speech, will but come to the conclusion that here is the opening political speech for the Democrat's 1964 ticket.

What, you might well ask, is the great magic that will bring the abolishment of poverty? The great proportion of the legislation in the "new" bill are proposals that have been previously considered by the Congress and found inadequate for the purpose intended.

Within the past few years, legislation was enacted to cope with these very problems. I name vocational education and manpower training as examples. These programs are now in effect. The area redevelopment program is another, but its administration leaves much to be desired.

I have noted that the administrator of the new bureau, that will outrank all other governmental bureaus, says that there is no political objective in the proposed legislation. If that is the case, then we can hardly see why the Democratic committee is dictating the every utterance of their party members on the subject.

I doubt very much that my colleagues of the Democratic Party persuasion are enjoying their new roles as Charley McCarthy to the Democratic National Committee's Edgar Bergen.

Evidently, since the material was sent to me, some Democratic Member has not received his. If this Member would care to come to my office, I would be glad to give it to him.

## FUEL AND ENERGY SECURITY OF THE COUNTRY

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. MOORE] is recognized for 60 minutes.

## OHIO RIVER FLOODS: PERFORMANCE OF FLOOD CONTROL PROJECTS REFUTES "PORK BARREL" CHARGES

Mr. BLATNIK. Mr. Speaker, will the gentleman yield?

Mr. MOORE. Mr. Speaker, I understand the gentleman from Minnesota [Mr. BLATNIK] wants to discuss a flood-control project on the Ohio River, and I am happy to yield to him at this time.

Mr. BLATNIK. I thank the gentleman from West Virginia. I know the gentleman has shown great concern with the problem of the recent flooding of the Ohio River, as have colleagues of ours on both sides of the aisle coming from that great river basin, which is

one of the largest in the country, covering the States of West Virginia, Pennsylvania, Ohio, Kentucky, and running all the way down to the middle of the lower Mississippi Valley. I appreciate the gentleman's consideration in yielding me part of his time on his special order.

Mr. Speaker, I am sure that every Member of this House is familiar with the devastating floods which recently occurred in the Ohio River Basin and which have caused such great destruction. As chairman of the Subcommittee on Rivers and Harbors of the House Committee on Public Works, I have had a continuing interest in the subject of water resources development and control. The Ohio River and its tributaries is one of the major basins in the country where both navigation and flood control are entwined. I would like to make a few observations on these floods, particularly in view of the fact that Life magazine, in August 1963, published a distorted article on "pork barrel" which immediately drew strong criticism from many Members of Congress and responsible local and State officials.

Now, slightly more than 6 months after this article was written, the recent Ohio River floods spectacularly refute the pork barrel charge. The accusation of unjustified expenditure of taxpayers' funds on flood control, navigation, and other water resource projects were completely overturned by the facts. This is not the first time that this kind of situation has arisen. Articles have been written in the past on the so-called pork barrel even though the arguments presented have been completely discredited by the actual facts. Life should now send its editors to the Ohio Valley in the wake of these floods to get the other side of the story. They would find their sensational charges of pork barrel evaporating in the hard light of the facts. It might not sell as many magazines, but it would exhibit courageous objectivity.

I would like to tell the Members a little bit about these recent floods. Extremely heavy rainfall during the period March 4 through March 10 produced overbank flood stages on the Ohio River and many of its tributaries. These rains which started in the lower basin and extended through the middle and upper portions of the basin totaled between 9 and 17 inches, causing widespread flooding with resultant heavy damages. Yet, even greater losses would have occurred were it not for the many federally constructed flood control projects in operation during this flood. Of the 99 authorized reservoirs in the Ohio River Basin, 39 are operable. Of these 39 reservoirs, 33 were so located as to be effective during the current flood with a total flood control storage capacity of 5.7 million acre-feet with 40 percent of their flood control storage used.

In addition to reservoirs, there are 190 miles of channel improvement and 900 miles of levees and walls planned to protect 137 communities in the Ohio Valley, of which 62 are in service, many of which contributed to preventing flooding in the communities concerned.

Preliminary estimates by the Corps of Engineers indicate that damages may run as high as $100 million. However, the corps also estimated that flood control and related projects have saved Ohio Valley property owners at least $290 million in flood damages. Adding this amount to the approximate $936 million damages prevented during previous Ohio Valley floods, the total of $1.226 billion savings compares favorably to the approximate $500 million expended to date for reservoirs and approximate $200 million spent for local flood protection projects in the Ohio Valley. Not included in these savings are additional beneficial effects in the Mississippi Valley resulting from these Ohio Valley projects.

As an example of the way these Corps reservoirs operated to prevent damages, 8 reservoirs above Pittsburgh cut 6 feet from the crest at Pittsburgh's famous "Golden Triangle" where the Monongahela and the Allegheny Rivers meet to form the Ohio. This 6-foot reduction alone is estimated to have saved $38,327,000 in damages in this area. The Allegheny—Kinzua—Dam, now under construction on the Allegheny River would have reduced the Pittsburgh crest an additional 1.9 feet and would have contributed an additional $2 million to damages prevented. Without the reservoirs, the Ohio would have risen at least 2 feet higher at Cincinnati than its 66.2-foot crest of March 12, the fifth highest on record. This would have been slightly lower than the 69.2-foot crest of the March 1945 flood, the third highest on record.

While the Life magazine article stated that expenditures for flood control, navigation and other water resource developments are a waste of public funds, the critical flood situation in the Ohio Valley points up the need for accelerating flood control work in this area, as well as in other areas of the United States. I am glad to see that studies are now going on as a joint effort of the Federal and State Governments for continued development of the Ohio Valley, not only for flood control, but for navigation and related water resources developments.

The figures I have given you of savings in flood damage are only part of the story. The navigation works on the Ohio River have resulted in a tremendous return to the entire area from Pittsburgh to the Mississippi River.

Some of the key points associated with water resource development on the Ohio are as follows:

First. It is the fastest growing aluminum producing center, thanks to cheap power and river transportation.

Second. The billion-dollar dam and lock program to be completed in the early 1970's with new 1,200-foot locks will result in tremendous economic benefits.

Third. The reduction of flood damage will increase as additional dams, now authorized or in the planning stage, are built.

Fourth. The sewage treatment program is helping 95 percent of the population along the river.

The foregoing points are just a few of the highlights that point out that the development of the water resources in the Ohio Valley have resulted in a tremendous industrial growth making the area one of the great industrial valleys in the world. Within a decade $18 billion has been spent on plants costing a million or more each. They line the river's bank and reach inland, occasionally going far up a tributary such as the Kanawha or Miami. The $18 billion figure was compiled by the Ohio Valley improvement association, an organization devoted to the Ohio Valley waterways and development.

Mr. Speaker, it is difficult for me and many others to understand how a great national magazine can attack water resources development by the Federal Government which has contributed so much in the way of saving lives, reducing property damage, and providing low cost transportation and hydroelectric power.

Therefore, Mr. Speaker, to the constituents of those Members whose districts are located in the Ohio River Basin, my deepest sympathy is extended for the losses suffered in the recent floods. I assure those Members whose areas have been threatened before, and will be threatened again by floods and where the problem of water resource development is of great importance, that I will certainly do all in my power, in my capacity as chairman of the Subcommittee on Rivers and Harbors, to carry on the work which has been so efficiently accomplished to date.

At this time I particularly want to state that full credit should be given to the Honorable Clifford Davis, chairman of the Subcommittee on Flood Control, as well as the Honorable Robert E. Jones, former Congressman Frank E. Smith, now a member of the Board of Directors of the Tennessee Valley Authority, as well as the other members of this subcommittee for their dedicated, outstanding, knowledgeable work in flood control matters. I want also to commend the chairman of the House Public Works Committee, the gentleman from New York, the Honorable CHARLES A. BUCKLEY, who has given his full support to efforts to solve the problems of water use wherever they may be throughout the country.

## FUEL AND ENERGY—THE SECURITY OF OUR NATION

Mr. MOORE. Mr. Speaker, in the past several weeks a number of events have occurred that can vitally affect the fuel and energy security of our Nation, and will inevitably have significant impact on the future economic course our country follows.

We live today in a period of relative national prosperity, and all of us have hopes that this will continue and grow. We have recently voted a reduction in the individual and corporate income taxes in the hope that more money will be made available for consumer purchases and capital expenditures, and thus more jobs and individual incomes will be created.

We are anxiously pursuing other measures, including attempting to hold down on appropriations for unnecessary Government spending, to insure that the economy grows stronger and that we develop sufficient fiscal muscle to wipe out the shameful, inexcusable blots of economic stagnation where jobs are nonexistent and where people are destitute, hungry, and in despair.

Mr. Speaker and my colleagues, I know about these pitiful communities where children cannot attend school because they do not have any shoes to wear, where fathers are desperate and mothers desolate because they have no food to offer their families and no hope to offer the young people growing into manhood and womanhood. I know these blots on our national scene firsthand, because some of them are in my own State of West Virginia. Others are in Kentucky and Pennsylvania, and even, I am told, in New England where once flourishing towns producing shoes, textiles, and many other goods are now battling desperately to combat the competition of cheap foreign goods which are gobbling up jobs and markets.

And the sad and inescapable fact is that these "pockets of poverty," as President Johnson has so aptly termed them, do not need to exist—that if they are allowed to continue, we, and we alone, in the legislative and executive branches of the Federal Government, will have to bear much of the blame. We have adopted or permitted the continuation of national policies which are chiefly responsible for the unemployment in selected areas of our Nation—and I refer particularly to the great coalfields of the Appalachians with which I am most familiar—and it is our solemn responsibility to our own conscience and to our country that we see that such policies are changed.

I do not propose to discuss or suggest the solutions of New England's textile, shoe, electronic, and similar competitive problems. I sympathize with her citizens.

As a matter of fact, I might say that at the instance of the New England delegation in the Congress they circulated a very well written protest among the Members of the House requesting our signatures, which pointed up the great disadvantage that the shoe industry was experiencing in New England as a direct result of foreign imports. I signed that particular petition and that particular submission to the executive branch of the Government asking relief from the situation that existed in that industry, for the simple reason that I found myself completely sympathetic with the objective which the members of the New England delegation were trying to accomplish and the manner in which they were trying to help the particular industry involved.

However, Mr. Speaker, a number of outbursts concerning this Nation's mandatory oil import program have been made on the floor of the House, which are not in agreement with the record.

Mr. Speaker, I was a member of a subcommittee of the Small Business Committee some 3 years ago, which sat for 7 days in November, going over completely the effects of the mandatory oil import program as it affected the production of domestic crude oil in the United States, as it affected the other energy sources in the United States, coal, and natural gas. We went deep into the problems of imported crude oil and imported residual fuel oil.

Mr. Speaker, the composition of that subcommittee which went very much into detail with reference to the mandatory oil import program, included the gentleman from Oklahoma, Mr. Steed, as chairman of the subcommittee, and made up on the majority side by the gentleman from New York, Mr. Multer, the gentleman from California, Mr. Roosevelt, and the gentleman from Arkansas, Mr. Alford; on the minority side was the gentleman from California, Mr. Smith, the gentleman from Indiana, Mr. Harvey, and myself from the State of West Virginia—not a stacked committee by any means and unanimous in their report.

Mr. Speaker, I would like to call to the attention of the House the recommendations that that subcommittee made with respect to the mandatory oil import program. It went very much into detail on this subject and heard many witnesses. I say to the Members of the House here today that I was quite religious in my devotion to the work of the committee and in my attendance at these hearings, because of my deep interest in the subject matter. But this subcommittee of the House of Representatives, not made up of Members of coal-producing States, not made up of Members from oil-producing States, made some stern recommendations.

The subcommittee stated:

> If there were not proclaimed some stern rule or program of control by the Congress of the United States over the oil program of this Nation, we at some future time could find ourselves in serious difficulty as a nation.

In addition to residual oil the subcommittee questions the manner in which the production of crude oil in the United States was being seriously hampered by competition which they were forced to meet by the production of foreign crude oil. These recommendations in that report stand out very sternly.

The committee said:

> The import quotas of residual fuel oil to be used solely as fuel should be fixed at a level no higher than the total of such imports in 1961, so as to reduce the threat to the national security which residual oil imports now create, as well as to prevent the further erosion of the coal industry's markets and to alleviate the severe unemployment and overwhelming distress in the coal mining industry. Further, the subcommittee feels that firm assurance should be given by the executive branch that quotas will be maintained at levels no higher than this, so as to eliminate the uncertainties and instability which repeated and unpredictable increases in quotas have created in the domestic coal markets.

In addition, another recommendation of this subcommittee report went on to say:

> A suitable agency of the Government should immediately undertake a survey of essential plants and installations along the east coast, where more than 40 percent of all defense contracts are held and where virtually all imported residual oil is used, to determine the true extent to which they have become dependent on this insecure foreign source of fuel through abandonment of other types of burning and fuel handling and storage equipment and facilities.

The subcommittee was concerned about the national security of the United States when a vast industrial complex was found to be firing the boilers of that industrial complex by bringing into the United States foreign imported residual fuel oil.

The mandatory import control program was put into effect by the executive branch of the Government in 1959. The reason for the implementation of this oil import program was the fact that the Chief Executive of the United States and the Committee that he appointed to look into the matter became concerned, that there was a matter of high national interest involved, and that the national security of this Nation was very much at stake if we allowed this vast industrial complex in New England to be further dependent upon foreign residual oil to meet its energy needs. Therefore, the oil import control program was implemented—national security being the reason for this action.

This program was not put together in the mind of anybody from a coal producing State. The mandatory import program was a direct result of the work of various committees of the Government which had been studying the problem for a long time. The Executive order, based upon committee recommendations, emanated in 1959. The Chief Executive of the United States of America said that the national security of the United States was at stake with such a vast amount of imported residual fuel oil coming into the country. A further statement of concern was made that if this vast industrial complex would be needed by this Nation in the event of war, its use would be restricted if it became wholly dependent upon outside sources for its energy needs.

So this subcommittee made a deep study of the matter. We heard many witnesses testifying largely with respect to the fact that this program was a good program, that it should not be destroyed, that it should not be changed.

We on this subcommittee were surprised, and we in the House from coal producing States, at the action announced by the Secretary of the Interior, Mr. Udall, on March 5, when he decided to raise the quotas of foreign residual oil by some 23 million barrels of oil coming into this country over and above that coming into this Nation in 1963 and 1964. That alone means some 2,000 jobs in the coal producing States, that alone will displace an additional 2,000 coal miners. It is rather ironic that we got that particular good news from the administration on March 5 at the same time the administration was sending to the floor of this House its message to combat poverty in the same State that will be adversely affected by this decision of the executive department.

One of the most vocal, outspoken, irresponsible—I hesitate to go further—an individual who makes irresponsible

statements every time somebody mentions the question of residual fuel oil and the fact this Nation's New England industry is dependent on foreign fuel oil for its energy needs, is a man by the name of James S. Couzins, who heads the Fuel Committee of the New England Council. Every time somebody suggests that the national security of the Nation is involved, as the President found and the subcommittee of this House found, he is quick in print with some sort of rebuttal, either handwritten and given to somebody to say for him.

He usually is very caustic in his remarks about the individuals that live in coal States, that are coal producers, or are associated with the United Mine Workers of America. He accuses those who are in coal States or associated with coal production in America of always crying out loud against the dangers of residual fuel oil, and says that the situation that exists in those States is because of the manner in which the coal miners and coal producers have ravaged the assets of those States.

To those who follow the line of thinking of Mr. James S. Couzins, I say that those in the coal producing States have been fighting residual fuel oil since 1947. For 17 years we have been fighting an ever-increasing amount of residual fuel oil coming into this country. If the conditions in the Appalachian area, some of which are also mining areas of the Nation, are exhibits of poverty today, it is because the coal markets of America have been eroded for 17 years by this policy of permitting foreign residual oil to be brought into this country to take the place of domestically produced coal.

From 1947, when some 54 million barrels came into this Nation, until 1963, when 210 million barrels have been allowed to come in, is the best evidence that every barrel of this oil that comes in creates a further oasis of poverty in the Appalachian area.

Let me simply say to the gentleman who speaks loudly and cries loudly about his concern for residual fuel oil in New England, with the suggestion that these controls inflate the price and cause people in New England to pay a lot more for their energy needs than they would if the program was discontinued, that actually what has occurred is this, that since the program has gone into effect the people in New England have paid less for their residual fuel oil per barrel than they did previous to the time the mandatory oil import program went into effect. So the situation is the reverse, so far as the observations that are made by the New England Council Fuel Committee, for the simple reason that instead of the mandatory oil import control program, as they see it, preventing oil from coming in and therefore pushing the price up, actually the price has gone down in the United States since the mandatory oil import program went into effect in 1959.

As for the price of residual oil, official figures published by the Office of Emergency Planning show that residual oil in 1963 sold at an average price of only $2.02 per barrel in New England. This was 30 cents per barrel less than the New Englanders paid for residual fuel oil in 1958, the last year before import controls were put into effect.

So let us see what this 30-percent reduction in total prices of residual oil meant to New England. The last figures for that region which are reported by the Government, for 1962, showed that New England used some 75 million barrels of residual fuel oil, and presumably it was the same amount last year, since the total east coast consumption of residual fuel oil was little changed. Thus at $2.02 a barrel for oil in 1963 New England users paid $152 million, but under the price structure in 1958, before the mandatory import program, the one they complain about, the one they seek to destroy, was in order, for the same amount of oil it cost them $174 million. Therefore, the import control program has provided New Englanders with the opportunity to meet their oil needs at a savings of $22 million a year less than they would have had to pay under prices in existence prior to price control.

Another thing I want to say with respect to the observation of the gentleman of the New England Council Fuel Committee, reference has been made to a statement by Mr. W. A. Boyle, the international president of the United Mine Workers of America, when he said that the late President Kennedy had made a personal commitment to him that this mandatory oil import program would be handled in such a way that it would not do severe damage to the coal industry of America, and that the program would be operated with the advice and the guidance of the coal industry in America.

That statement has been disputed and it has been said that John F. Kennedy was just as vocal, when he was a Senator from New England, in behalf of increasing the amount of foreign residual oil coming into this country and that that statement is entirely inconsistent with his actions as a member of the Senate and contrary to the statement of Mr. W. A. Boyle, that as President John F. Kennedy said he would use his best judgment in conjunction with the coal industry as he administered this oil import program.

I simply would say this. When they talk about John F. Kennedy's New England, I would remind them that John F. Kennedy talked about his West Virginia until the day he died. He said at every opportunity that West Virginia was the State that provided him the platform to move to the Presidency of the United States. And it was at the pit mouth of a mine in West Virginia where he stood and talked of the situation and conditions in the coal industry and said that this continual raid on the coal markets of America by foreign residual oil was a distinct disservice to the coal miners and to the coal industry, and that the poverty that he observed in West Virginia was something that he was going to try to eliminate. Yes, he said these things because he had a better understanding of the situation, having seen it first hand than when, as a Senator, John F. Kennedy gave his attention to the needs of New England, since it was his New England. I say that if John F. Kennedy grew as a President, he grew also in this aspect, that he had a deeper knowledge and more understanding attitude and more genuine concern for the problems of the coal industry and the other fuel industries of America, and that his interest in these problems as President was not sectional in nature as when he was a Senator, but gave attention to the best interest of the entire country. If he told W. A. Boyle that he was going to administer the oil import program only with the advice and guidance of the coal industry, I believe John F. Kennedy made that representation to Mr. Boyle regardless of what some highly paid public relations man in New England may say now about what John F. Kennedy is supposed to have said and which he can no longer answer.

So, Mr. Speaker, when we in the Appalachian area express our genuine concern about the reckless way in which this administration through its Secretary of the Interior has handled this residual oil problem and the way in which it has gone so far beyond what anyone of us would ever have thought conceivable, so that today 14,000 miners, not to mention railroaders and others, can reasonably be considered to be unemployed as a result of the importation of foreign residual oil.

It is a little ironic to embark upon a vast well publicized program to attack poverty on the one hand and at the same time—and in the same office—just a little further down the hall—permit an administrative act to take place which further erodes and reduces the opportunities for those people who have dedicated their lives to mining coal. Yes, it may not be a very romantic undertaking to mine coal. Perhaps it does not require the best education in the world. But a lot of our people found their way into the Appalachian region of this country and dedicated their lives to digging for that black diamond. They have contributed to a greater America without question. So, Mr. Speaker, I would say when we talk about the mandatory oil import program, it is high time, by reason of the actions of the Secretary of the Interior, to understand once and for all that this administration does not comprehend the problem and does not understand the program and does not realize that the program was originated and implemented for national security reasons. We must realize that the Congress has to act now.

As the subcommittee of the Committee on Small Business indicated in their report of November 1961, this Congress has to set a level at which these imports of residual fuel oil cannot exceed or go beyond. Because the price is so attractive and because the opportunity to make a quick buck is so enticing that it can without question take over the energy needs of this Nation simply because of the competitive position that this residual fuel oil is in since it is a waste oil product.

If they can get a nickel above the regular price on a barrel, bringing it to the United States, they will make a nickel, which is a considerable profit.

Mr. Speaker, there are now pending before this body more than 170 resolutions by 170 Members of the House of

Representatives calling for the mandatory oil import control program to be brought under congressional control, where the pressures of the New England Council Fuel Committee and Mr. James Cousins cannot be exerted, so that the oil community of America cannot exert pressure on some administrator on some fictional basis in an andeavor to have him increase the amount and to further do damage to the intent of the mandatory oil import control program.

Certainly all of the Members of the House are not interested in this problem, and perhaps all do not understand how this works. Last year the amount of residual oil which came into the country was not even entirely used. There was a surplus of it. Even with that fact facing the Secretary of the Interior, he increased the amount of residual fuel oil allowed to come into this country by the greatest amount allowed in any particular year since it has been coming into the country.

We must consider that in connection with permitting great amounts of this residual oil to come in is dangerous in itself. I know well that it has to be heated and it has to be put in boilers in a condition so that the temperatures are at a certain level. But if we permit large amounts of this residual fuel oil to come into this country, not earmarked to a specific industry or to a market area, we then invite an opportunity for those who control this fuel oil to raid market areas not now using the residual fuel oil, and thus further damaging markets devoted either to gas or to coal.

This situation I believe today has reached the point that the Congress must act. Congress must put some backbone in the mandatory oil import control program. We must not forget that the Caribbean area is on fire today. That is where the greatest portion of this residual oil comes from. If a decision were made in Venezuela today to nationalize the oil fields of that country, then the New England industrial complex would be without one drop of residual oil.

Yes, the Caribbean is on fire. It seems to me we ought to be aware that this is a time of international crisis. The forces of communism are on the march in the Caribbean area, regardless of what may be said at one time or another about the situation.

This Nation at some time in the future will have to protect itself, for the benefit of these economic royalists in New England who want to bring in these vast amounts of residual fuel oil. Protection will be needed for that lifeline between South America and New England, with a patrol either of battleships or of submarines, in order to continue to receive the foreign oil that industrial complex needs to operate.

Mr. Couzins does not seem to be worried. He says that the next war will be atomic. I have not seen any atomic bombs exploded yet in the nature of an act of war. Mr. Couzins does not understand. Really, he does not even know what a Polaris submarine is, so how could he be particularly knowledgeable about how New England will get this oil in the event those particular lines of transportation are ever cut off? He is an American that just does not care. Anything for a buck today. He is neither honest or sincere in response to questions posed by Members of Congress in committee hearings.

But I do assert that I am qualified to speak on the question of jobs and the livelihood of the citizens of the coal producing areas of the Appalachians, which includes the First District of West Virginia which I have the honor to represent. I think the time has come—indeed, perhaps it is well past—to set straight a number of false notions regarding this national disgrace which has, either inadvertently or intentionally, been perpetrated.

First, I think it is necessary to put on the record the real facts about the modern coal industry which have been so completely distorted in recent years.

It has almost become a shibboleth for its opponents—including certain persons of influence in Government as well as the international oil people and their ilk—to say unemployment in the coal regions is due solely to automation of the coal mines, and that because of modern mining machines no matter how much you increase coal consumption you would create practically no new jobs in the coal mines.

Let us look at the facts:

Certainly the introduction of modern mining machines in American coal mines meant that fewer miners could produce more coal in a given time. That is probably true in every industry in the Nation. In fact, if the stockholders and owners of coal mines had not been willing to invest the billions of dollars in new machinery and modern mines we would not have been able to lower the price of coal consistently during the past 12 years and would today be able to sell only a very small percent of our present output on the present competitive market.

This mechanization took place with the full cooperation of the United Mine Workers of America, which recognized that either the coal industry must increase productivity in order to lower costs per ton or else lose millions of tons of additional markets and virtually cease to exist. If that had taken place, I shudder to think what would have happened to the energy resources of our Nation, or the price that everyone would be paying for any kind of fuel for heat and energy today.

Fortunately, because of the enlightened leadership of the coal industry and of the United Mine Workers, then headed by Mr. John L. Lewis and now by Mr. W. A. Boyle, its able new president, we have available today our primary steamplant energy fuel at even less cost than it was 12 years ago, and it is produced by a vigorous, sound industry with competent, dependable, and well-trained workers which the Nation can depend on.

But coal is not being produced in the volume that it should be, or providing the jobs that it can, because somewhere in the interim our national policies have shifted way from the dependence on our one great natural steam power energy resource and we have tended to relegate it to a sort of third-class citizenship limbo. And for no reason that makes sense.

Consider these facts:

First. The best information we have—from the U.S. Geological Survey—tells us that America has more than 800 billion tons of coal reserves, in the eastern Appalachians, the great Midwest fields and in the largely undeveloped beds of Colorado, Utah, Wyoming, and other Western States. Of this, the Bureau of Mines says more than 200 billion tons, or 450 times this year's total consumption, is in seams no more than 2,000 feet deep and recoverable by present mining methods and costs. This means, of course, that America has reasonably priced coal fuel available for many generations.

Second. The price of coal at the mine has dropped from an average of $5.08 in 1957 to less than $4.46 today, and the delivered coal price is constantly being lowered by continuing improvements in transportation efficiency by the railroads, long-line transmission of electricity and other technological breakthroughs. Reductions of $1.50 per ton for freight costs from mine to utility plant are becoming commonplace.

Thus, coal is available for centuries, low in cost and dependable. Further, its contribution to the economy is enormous. It is incredible that the policies of the Federal Government should not be directed toward vastly expanding market outlets for coal, rather than the encouragement of substitute fuels developed through Government subsidy, as in the case of atomic power, or brought in from foreign nations where they create not a single American job. It surpasses understanding that, in the face of these facts, the Secretary of the Interior, who has been designated by the President as our oil czar with full authority on petroleum matters, has just increased the quotas for residual oil to be imported in the next 12 months by 23 million barrels above the past year.

Import controls on residual oil were first imposed in April of 1959, and for the first year or so it seemed that they might be effective. Total imports permitted under the program in 1960 were 17 million barrels less than in 1959, when controls were in effect for the last 9 months. However, each year since then has seen a steady increase in quotas by the Department of the Interior, and the total just announced for the import year starting April 1 is a whopping 233 million barrels—the equivalent in energy to more than 55.9 million tons of coal.

This imported oil can be, and is, sold at whatever price is necessary to undercut the cost of American produced coal or other fuels. It is practically all used on the Atlantic coast where it usurps the market for American coal produced in the hard-hit unemployment areas of the Appalachians, principally West Virginia, Pennsylvania, Virginia, Kentucky, and Maryland. Fifty-six million tons is equal to more than 25 percent of the entire annual production of this region.

But more important, what does a lost market for 55.9 million tons of American coal mean in human terms? In terms of jobs for American miners and railroad workers? In terms of shoes and clothing and food for their families and

education and hope for their children? And what does it mean to the hundreds of thousands of other citizens of coal mining communities whose jobs and whose families' livelihood are made possible because of the mining and transportation of coal?

Of course, if all residual oil imports were suddenly shut off—and no one is demanding that—coal probably would not supply the entire 55.9 million tons. Some of it would come from domestic gas and some from residual oil produced in domestic refineries. But it would be supplied by domestic fuels whose production would mean American jobs. Most of this huge market would turn to coal, so for an understanding of what it means to the economy of our country, let us translate 233 million barrels of imported residual oil annually into terms of jobs displaced, using coal production and transportation as a guide.

The U.S. Bureau of Mines reports that in 1962, the latest year for which figures have been compiled, the mining of 55.9 million tons of coal in the Appalachian States required 4,723,922 man-days of work. Since the Appalachian miners worked an average of 198 days in that year, the production of 56 million tons meant full-time jobs for 23,858 mine employees, and they earned $118,098,050 which went into the economy of the mining communities of the Appalachian States where it is so desperately needed. Further, the production of 55.9 million tons of coal in union mines meant adding $22 million to the UMWA welfare and pension fund under the contract, which calls for 40 cents a ton payment for this purpose. This is sufficient to pay the $900 yearly pensions for 24,837 retired miners.

But this is not all that 55.9 million tons of Appalachian coal means in human terms. The transportation of coal is almost as important in jobs created as is its mining. Take the railroads, for example. They haul 75 percent of all U.S. coal. This would mean that of 55.9 million tons produced in the Appalachian region in 1962, the railroads transported 41,913,000 tons. At an average freight rate of $3.32 per ton, this produced rail freight revenue of $139,151,160. The American Association of Railroads reports that 52 percent of all railroad revenues goes into wages, and that the average railroad employee wage in 1962 was $6,659, so it is a matter of simple arithmetic to find that the transportation of 41,913,000 tons of coal—or 75 percent of 55.9 million tons—meant full-time jobs for 10,860 railroad workers in the Appalachian regions in that year.

To simplify these figures, Mr. Speaker: Each 8 million tons of coal produced in the Appalachian coalfields in 1962 provided jobs for 427 mineworkers and 194 railroad employees, or a total of 621 persons. This is only direct employment in the two categories; it does not include the jobs provided for truckers and bargeline workers who hauled the other 25 percent of the coal, nor does it include the many other jobs created by purchases of services, supplies, and equipment by the railroads and coal mining companies. I am certain that it is conservative to say that the production and distribution of 1 million tons of coal directly creates at least 700 to 800 jobs in the Appalachians, where jobs and income are so terribly important to our entire national economy today. These facts are clear, and incontrovertible:

The alltime high imports of 233 million barrels of foreign residual oil during the next 12 months, just approved by the Interior Secretary Udall to whom President Johnson has designated authority in oil import matters, thus becomes a major catastrophe to West Virginia and other Appalachian States.

In the most conservative terms, the 55.9 million tons of coal which will be barred from finding a market outlet because of these cheap oil imports, would have directly provided at least 35,000 jobs in the mining, railroad and allied fields.

These facts leave no doubt as to the importance of coal to our Nation, and to the jobs of literally hundreds of thousands of its citizens and the need for a continued healthy and growing market for coal. But what is happening to that market and to its growth potential?

Between 1957 and 1962, U.S. consumption of coal on the east coast actually declined by 13 million tons, or 8.3 percent. During the same time, imports of foreign residual oil—which produces not one single U.S. job in either its production or transportation on foreign-flag ships—and very few in its handling once it reaches our shores—increased 46.5 percent, or the equivalent of 14.2 million tons of coal.

Mr. Speaker, I fully recognize that the matter I am discussing must be considered as a national issue. There is no question of the critical damage imported residual oil is doing to my own State of West Virginia, as well as the other great coal producing States such as Pennsylvania, Virginia, Ohio, Kentucky, Tennessee, and Maryland. There is likewise no question of the great harm that excessive imports of residual oil are causing to the great oil producing States of the West. My esteemed colleague, the gentleman from Texas [Mr. ROGERS] made that very clear in his masterful and irrefutable statement to this House on February 13.

The question then is, Is any area of our Nation greatly benefited by residual oil imports and would it actually prosper because of a complete elimination of import restrictions? Or, to put it more in terms that are commonly used by opponents of the import control program, is any area really being penalized economically by the nominal restrictions which are now in effect on residual imports?

Certain of my colleagues from New England have consistently contended, most vocally and repetitiously, that this is so. But the facts simply do not bear them out.

They have asserted that, because of import controls, residual oil prices are higher, that there is a shortage of the product in New England and that complete removal of restrictions on residual imports would benefit both New England and the Nation.

The Nation and the Congress deserve to have the facts about these fallacious assertions. I have often been puzzled as to the basis of some of the claims that have been made in the bitter attacks on any restrictions on residual oil imports. The distinguished Senator from Rhode Island [Mr. PASTORE] was quoted in an interview in the Providence Journal a few months ago as saying that, although he had opposed residual import controls, he had had no indication that his constituents were concerned about them. He said that he has merely gone along with the campaign of the New England Council to destroy such controls, and had actually had only one communication from a fuel user in his State who wished them ended.

Of course, the big oil importers would like to see free imports of residual. They could then bring it in such floods as to literally wipe out the market for any competing fuel—and destroy the productive capacity of such domestic fuel—and they could supply the market they had captured and made dependent on residual imports at any price they wished to charge.

Mr. Carl Reistle, chairman of the board of the Humble Oil Co., recently wrote many Members of Congress a personal letter urging that residual import restrictions be removed. Standard Oil of New Jersey, parent company of Humble, is the largest residual oil importer.

Other than Standard Oil of New Jersey and such other major importers, I cannot discover who would really stand to profit from greater imports of residual to the detriment of domestic fuels and the national economy. But, for some reason, certain of my colleagues have taken this issue to heart and are waging a continuing warfare against American domestic fuels and the national security and millions of individual livelihoods dependent on them.

I want to examine some of the statements being made, and I challenge anyone to deny or disprove the facts I shall use.

In a speech before this House on January 28, my esteemed colleague, the gentleman from New Hampshire [Mr. CLEVELAND] attacked Interior Secretary Udall for failing to recognize that, and I quote:

This restrictive policy [is] costly to New England's economy—

And referred to—

a shortage of residual oil.

I do not know on whom the gentleman relied for his information, but he has certainly been misinformed. I suggest that next time he rely on official Government sources from which are available facts which will quickly disabuse any idea that residual oil is in short supply or that the price has increased because of import controls, thereby proving costly to New England or any other users.

The fact is, total consumption of residual oil on the whole Atlantic coast, where practically all the imported residual is landed, and consumed, actually declined by over a million barrels last year. Unused stocks on hand at year's end were a half million barrels greater than they were at the end of 1962. These facts are provided by the U.S. De-

partment of Interior, itself; and yet in the face of them, the Interior Secretary has just increased permissible imports for the coming year by more than 23 million barrels.

Mr. Speaker, on February 10, the gentleman from Massachusetts [Mr. CONTE] expressed a great surprise to this body that I had in a speech a few days earlier referred to imported residual oil as an "unneeded foreign oil," and particularly, he said, in view of the fact that 1,480,000 barrels of residual oil were used in West Virginia in 1962.

I am happy to relieve the gentleman's puzzlement. I am sure that he did not intentionally mean to mislead this distinguished body, but his reference to residual oil burned in West Virginia was hardly appropriate to my remarks. The residual oil burned in West Virginia, Mr. Speaker, is 100 percent domestically produced oil. Not one barrel of imported residual oil is brought into West Virginia. As I have said many times, I do not challenge the right of domestic residual oil producers to compete for the fuel markets of the Nation. Where they can offer a product in fair competition that, for one reason or another is preferred above coal, they have every right to the market. It is up to the coal industry and the railroads which haul it to compete with them and hold their markets if they can.

However, I do strenuously object to an official Government policy of encouraging the ever increasing imports of a cheap, foreign oil, which, as I said, is unneeded to supplement our own vast resources of fuel, and against which domestic coal and oil cannot compete because of the ridiculously low price at which it can be sold.

I can only add that I am more than puzzled by the statement of the gentleman from Massachusetts [Mr. CONTE] that electric light bills, hospital bills, and taxes in New England are too high because of the restrictions on residual oil imports. All I can say is that with imported residual oil coming in in the greatest volume in history, with the price of residual now 30 cents less per barrel than it was even before import controls were begun, I suggest that he look further to find out why bills and taxes in New England are too high. It cannot be because of the price, or any shortage of supply, of residual oil.

Mr. Speaker, I am pleased and encouraged to find that my deep concern over the serious damage to the American economy and the jobs of so many people caused by excessive residual oil imports is shared by so many of my colleagues of both political parties in both Houses of Congress.

On March 9, the Honorable THOMAS E. MORGAN, of Pennsylvania, a member of the majority party and chairman of the important House Foreign Affairs Committee, told the House that 170 Members of this body are now on record in support of legislation which would establish a fair formula by law to limit residual oil imports to an equitable share of the domestic residual market. Representative MORGAN declared that 130 Members have signed a letter to the Speaker publicly asserting their backing of the legislation. In addition, the gentleman from Pennsylvania pointed out, 40 other House Members have introduced bills to accomplish this, of which I am proud to be one.

We should also take note that a companion measure introduced in the Senate has been cosponsored by 30 Members of that body. These 200 Members of the two Houses represent 35 different States and are well balanced between the two political parties. Thus, support for this legislation is not a partisan matter, but it is a matter of extreme economic importance to a great many areas of our Nation.

But believe me, there are elements at work in the Caribbean area today to cut off this flow of foreign oil. Once the flow is cut off, the people of New England, who have foolishly converted their energy sources to the point that they cannot now reconvert to the use of gas or to the use of coal, will simply have to shut down. I believe the situation merits the immediate consideration of the Congress.

I, therefore, offer my sincere commendation to all Members of Congress who have thus publicly pronounced their support for the establishment by law of a reasonable, fair, and continuing level of quotas to insure equitable competition between domestic and imported fuels. I urge on the leadership of the House prompt action of this legislation, both in the committees and on the floor.

I have taken this time simply to call the attention of the House to what I feel and how difficult I feel this situation is and also to bring to the attention of the House the views of members of the subcommittee, not oil minded and not coal minded but who recommended this program ought to be brought under congressional control, and I respectfully submit it for the consideration of the House.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I will be happy to yield to the gentleman from Ohio.

Mr. FEIGHAN. I wish to congratulate our able and distinguished colleague, the gentleman from West Virginia, who also serves with distinction on the Subcommittee on Immigration and Nationality and the Joint Committee on Immigration and Nationality Policy. He has the habit of mastering the facts in all matters to which he devotes his many talents. His deep and abiding concern is the general welfare and security of our Nation.

Mr. MOORE. I thank the gentleman from Ohio very much.

Mr. WHARTON. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I will be happy to yield to the gentleman from New York.

Mr. WHARTON. I have been greatly impressed with the gentleman's knowledge of this subject. I know he is thoroughly familiar with conditions in West Virginia. I am wondering if he would give us a few words on the situation in which research finds itself. We have appropriated several millions of dollars at various times for coal research to find new uses for fuel of this nature. I wonder what activity you have to report on in West Virginia.

Mr. MOORE. With respect to research projects which devote themselves to finding further uses for coal, I say to the gentleman that we just had the Department of the Interior appropriation bill on the floor last week, and there was earmarked in that appropriation bill the sum of $6 million for the Office of Coal Research, specifically to permit them to engage in two specific research projects in the State of West Virginia. One of them has to do with Operation Bootstrap and the other Project Gasoline. In one instance the research is being undertaken to see whether or not a conversion method cannot be arrived at where coal can be converted into gasoline.

I would say to the gentleman there is major progress being made in that particular area, and we hope that a pilot plant will be constructed in the not too distant future to hurry along the research in that area. There are some research projects, may I say, which have been undertaken by the major coal companies of America and, as a matter of fact, Project Gasoline was initially begun by one of the major coal producers of America. So there is a great deal of research, a lot of which has been encouraged by the Federal Government. May I say to the gentleman that in addition to the research projects, coal mined by automation has attempted to make itself more competitive. The price of coal today is less per ton than it was in 1947. All of the factors along the line economically with respect to coal have been rather stable, but when we continually lose great market areas such as New England—and I for one would not for 1 minute say that we have to turn all of New England back to the private domain of coal; I do not suggest that at all but simply say in my remarks we ought to have a level which this should not go beyond. In other words, the continual raiding of markets, no matter how swift our research might be or how vastly improved automation in the mining of coal becomes, makes it hard for us to keep pace when they take the markets away from us in such an unfair competitive situation.

Mr. WHARTON. Then, the gentleman would say these programs are definitely worthwhile in making the statement from your own personal experience?

Mr. MOORE. With respect to research, I hold out great hope for the fact that the programs which are now undertaken and the various contracts that the Office of Coal Research has engaged in, will make a major contribution which would encourage a greater use of coal in many areas of the country.

Mr. WHARTON. I thank the gentleman.

Mr. MOORE. I yield back the balance of my time, Mr. Speaker.

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## CIA

The SPEAKER pro tempore (Mr. PRICE). Under previous order of the House, the gentleman from Illinois [Mr. ARENDS] is recognized for 20 minutes.

Mr. ARENDS. Mr. Speaker, one of the most important agencies of our Government, particularly during this period of international uncertainties and anxieties, is our Central Intelligence Agency.

The time has long since arrived when someone should take cognizance of the baseless criticism that has been and continues to be heaped upon it. That is my purpose here today, as a member of the CIA Subcommittee of the Committee on Armed Services since its establishment. I do not purport to speak as an authority on all the functions and activities of the CIA. But I do presume to speak with some factual knowledge about the CIA as an organization and how it functions.

I do not mean to imply that the CIA should be above criticism. No agency of Government should be above criticism. Constructive criticism makes for improvement, and there is always room for improvement.

But much of the criticism directed at the CIA is not constructive. It cannot possible be, as it is not based on facts. It is based on half-truths and distortions. Indeed, some of it constitutes complete untruths, with no foundation whatever in fact or in reason. This is what concerns me. Something once said, however false, is readily oft repeated and in time is accepted as a fact although an outright falsehood. And we know there are those who would, if they could, discredit the CIA. Others of us, having no such intention, unwittingly become their victims.

Let me present one illustration. I refer to the much publicized, much discussed case of the Polish defector, Michal Goleniewski. I refer to the irresponsible series of articles concerning the CIA that has been recently published in the New York Journal American.

Among these wild accusations is that the CIA has attempted to prevent Michal Goleniewski from appearing before the Senate Internal Security Subcommittee. They go so far as to charge that the CIA has quashed subpenas. That simply is not true. A simple telephone call to the chairman of that subcommittee would have brought forth the information that going back to last August, when the first subpena was served on this man, the executive branch of the Government has been cooperative with the Senate subcommittee throughout.

Contrary to what has been reported in the press, the postponements of Michal Goleniewski's appearance before the Senate subcommittee were at the request of the man himself. And the subcommittee agreed to his request.

I might add that the CIA subcommittee, of which I am a member, went into every aspect of this case. I am personally satisfied that the publicized statements purported to come from Michal Goleniewski are not correct. The information as reported in the press is not in agreement with the information Michal Goleniewski has made available to many departments of Government.

Stories such as have been circulated on this case display a reckless regard of the truth. They can be harmful, and those who circulate them do a great disservice to maintaining public confidence in the CIA.

Before commenting further with respect to the CIA and unfounded criticisms of it, perhaps I should first take cognizance of the criticism of the CIA Subcommittee, of which I am a member. It is quite understandable that some Members of Congress might feel we are not as well acquainted with the operations of the CIA as we should be. No one, except members of the subcommittee itself, has any knowledge of just how extensively and intensively we inquire into the activities of this intelligence agency. We hold no public hearings. We issue no reports. We cannot do otherwise and preserve the effectiveness of the CIA as a secret fact-gathering agency on an international scale. We can only hope that the House has sufficient confidence in our subcommittee, as individuals and as a committee, to accept our assurances that we are kept well informed and we have no hesitancy of keeping a close eye and ear on CIA operations.

I was very much distressed to read an article in Esquire magazine, written by a distinguished Member of Congress—one of the best and one of my good friends—in which he says:

> The members of four subcommittees themselves, by definition, have relatively low status.

Not because I am a member of one of those subcommittees, but for the other members of our Armed Services Subcommittee on CIA, I must take exception to the implication of that statement as to their status.

The membership of our subcommittee is comprised of the distinguished chairman of the House Armed Services Committee, the gentleman from Georgia [Mr. VINSON]; the distinguished ranking majority member, the gentleman from South Carolina [Mr. RIVERS]; and another distinguished ranking member, the gentleman from Louisiana [Mr. HÉBERT]. Serving with them are the other very distinguished members: The gentleman from Illinois [Mr. PRICE], the gentleman from Indiana [Mr. BRAY], the gentleman from Florida [Mr. BENNETT], the gentleman from California [Mr. WILSON], the gentleman from Alabama [Mr. HUDDLESTON], and the gentleman from New Jersey [Mr. OSMERS].

I am not at liberty to announce the members of the other subcommittees in the Congress dealing with CIA matters; but I can assure the House they are not "by definition, of relatively low status."

The article to which I refer goes on to state:

> But even had those subcommittees both status and time, the difficulties involved in dividing jurisdiction among the four would, I think, be insuperable.

This point deserves analysis. Since the proposed solution to the matter of low status and little time would be to establish a Joint Committee on Foreign Information and Intelligence, several questions arise.

In addition to CIA, there are other intelligence activities which are component parts of the Department of Defense, the Department of State and the Atomic Energy Commission. I do not believe that the House Foreign Affairs Committee, the Armed Services Committee or the Joint Committee on Atomic Energy would be likely to relinquish their responsibilities for legislative oversight of the components of those departments which are presently under their jurisdiction. We would thus be establishing a Joint Committee on Foreign Intelligence that would, in fact, be superimposed on the existing committees and subcommittees. This brief analysis does not begin to delve into the jurisdictional problems that would thus be raised within the congressional committee structure and the Congress itself.

In the same Esquire article it is asserted in connection with the Bay of Pigs situation, and I now quote, "Not only was CIA shaping policy—perhaps understandable because of the absence of direction from policymaking organs of the Government—but that policy was patently at odds with State Department thinking." The author of the article then adds that he does not wish to fully rehearse the events which preceded the Bay of Pigs, nor do I. This accusation, however, is not founded in fact but, on the contrary, is flatly inconsistent with the truth. It will be recalled that the White House issued a statement on April 24, 1961, saying:

> President Kennedy has stated from the beginning that as President he bears sole responsibility for the events of the past few days. He has stated it on all occasions and he restates it now so that it will be understood by all. The President is strongly opposed to anyone within or without the administration attempting to shift the responsibility.

To assume or assert that CIA shaped policy and then executed it when that policy was at odds with the official policy of the Department of State not only demonstrates a lack of knowledge of the coordination and control procedures in the executive branch but further implies that the Director of Central Intelligence or other officials of the CIA are violating their oath of office by willfully disregarding the views and instructions of the President. Based on my knowledge, the assertion and implications of the statement are false.

The Esquire article indicates the author's recognition that a high degree of secrecy is essential to the workings of the intelligence community and with this I agree. But the article continues by saying there are dangers if public confidence in the intelligence establishment erodes. The article continues by stating:

> [Such erosion] is less likely if a body of the people's representatives properly constituted and carefully chosen by the leadership of the two Houses of Congress remains continuously aware of the activities of the intelligence community.

Based on my long-term membership of the CIA Subcommittee, I again can assure the House that the subcommittee has been continuously aware of agency activities. I must reemphasize that this subcommittee in fact is properly constituted and carefully chosen by the distinguished chairman of this committee.

The statement has been made that CIA meddles in policy. This is an often heard allegation about the Agency, but the facts do not support it. CIA is an indirection from the policymakers. The late President Kennedy commented on this in October 1963 when irresponsible sources were alleging that CIA was making policy in Vietnam. He said:

I must say I think the reports are wholly untrue. The fact of the matter is that Mr. McCone sits in the National Security Council. I imagine I see him at least three or four times a week, ordinarily. We have worked very closely together in the National Security Council in the last 2 months attempting to meet the problems we face in South Vietnam. I can find nothing, and I have looked through the record very carefully over the last 9 months, and I could go back further, to indicate that the CIA has done anything but support policy. It does not create policy; it attempts to execute it in those areas where it has competence and responsibility.

The President went on to say:

I can just assure you flatly that the CIA has not carried out independent activities but has operated under close control of the Director of Central Intelligence, operating with the cooperation of the National Security Council and under my instructions. So I think while the CIA may have made mistakes, as we all do, on different occasions, and has had many successes which may go unheralded, in my opinion in this case it is unfair to charge them as they have been charged. I think they have done a good job.

This was President Kennedy's statement.

It has been asserted that there are no effective checks on the Agency's activities. The facts are that every activity the Agency engages in is approved in advance at the appropriate policy level. It is also said that "Crucial decisions are made for us and in our name of which we know nothing." This is not true. The subcommittee, of which I am a member, is kept informed on a current basis of the activities of the Agency and, as I mentioned before, this organization is not a decisionmaking body but one which carries out the instructions of others.

The magazine article I mentioned speaks of the personnel in the Agency, and acknowledges that CIA officials are among the most distinguished in the entire Federal establishment. With this I would readily agree. But the author of the Esquire article is in error when he says that CIA is "served by only one politically responsible officer." Both the Director and Deputy Director of the Agency are appointed by the President and confirmed by the Senate, and I would note that all other employees of the Agency can be terminated by the Director on his own authority. The implication that they are not responsible is beneath reply. He says that CIA relies heavily on the services of retired military officers. The facts do not support this as there are very few retired military officers in the Agency. Of the top 46 executives in the Central Intelligence Agency, only two are retired military officers, and the proportion of retired military officers to professionals throughout the Agency is even smaller. He says that the Agency relies heavily on services of political refugees. It is true that it does on occasion use political refugees, but a misimpression is given here. These individuals are used when their expertise and area knowledge is required and the information they provide is extensively cross-checked against a great variety of other sources.

I would note also that my esteemed colleague in one paragraph indicates that the daily chore of coordinating and cross-checking intelligence data is the responsibility of the Defense Intelligence Agency. According to the National Security Act of 1947, the Central Intelligence Agency is actually charged by law with the coordination of intelligence. The law reads:

For the purpose of coordinating the intelligence activities of the sereval Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security.

As a matter of actual practice the responsibility for coordination over the years has been that of the Director of Central Intelligence, who has been supported in this regard by the CIA.

The magazine article also makes the statement that CIA is both the chief fact gatherer and the chief agency for coordination. As I have just mentioned, the Agency is charged by law with coordination, and it is also charged, and I quote:

To correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government.

In effect, what this means is that the CIA takes intelligence from all different sources, departments and agencies and produces the national intelligence required by the policymakers.

During the years that I have served on the CIA Subcommittee I have sat many hours questioning the Director and other Agency officials about their activities and how they go about their work. On many occasions this subcommittee has quietly looked into some of the then current accusations against CIA.

Let me assure you, Mr. Speaker, that we have always received the information needed. Also, we have been privileged to learn of many events in the secrecy of our meetings before the events have happened.

The CIA officials who have been before our committee have at all times been responsive and frank in their discussions with us.

I do not believe that baseless charges against the CIA are serving the national interest. If there are those who have information which they believe would be of assistance to the CIA Subcommittee in its review of Agency activities let them come forward—we would welcome such information. Let me make it clear, however, that those who would expect the subcommittee then to report on its findings will be due for disappointment. By the very nature of the Agency's mission, revelation of its activities will truly destroy it.

It is my view that the establishment of CIA in 1947 by the Congress was extremely wise and showed amazing foresight into the problems that would face this country in the years to follow. The wisdom of the Congress in establishing this Agency to provide the President with the necessary information on which to base our foreign policy has been borne out by the performance of the Agency. I do not claim that the Agency has been 100-percent correct. But I do believe it has provided the President and our policymakers with the tools that they must have.

Certainly the Armed Services Committee and the Appropriations Committee of both Houses have been enabled to judge more correctly our defense needs on the basis of the information CIA has been able to provide. While the Agency is a newcomer in the history of the Nation and among its foreign counterparts, I wish to state now that it probably is the finest intelligence agency in the world today. I believe that the Congress and the country should applaud the dedicated and highly professional career officers of CIA for the magnificent job they have performed over the years.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentlewoman from New York.

Mrs. KELLY. I thank the gentleman from Illinois for yielding to me at this moment for a few remarks, and I hope he will answer a few questions.

I was the first one to introduce a resolution in this House in 1953 for the establishment of a Joint Committee on Intelligence Matters. During my first year on the Committee on Foreign Affairs I found the need for such a committee, and in 1953, together with two of my colleagues, Congressman ZABLOCKI and Congressman Judd, I introduced a resolution to accomplish this. The purpose of my resolution was not to make charges against the CIA, or to criticize the CIA. It was an endeavor to make sure that the CIA operate properly, coordinate intelligence gathered by the various Government agencies, evaluate it, and get it to the President. I also felt that a joint committee of the Congress was the most appropriate instrument to accomplish this task and make sure that our Chief Executive receives total and full information based on the data gathered by all intelligence agencies of the Federal Government.

In 1961 I introduced House Concurrent Resolution 3 and by now I think there are several dozen Members of Congress who have introduced similar resolutions.

I want to ask the gentleman, who is a member of the Committee on Armed Forces, several questions. I am not satisfied with the performance of the CIA. I realize that all agencies of Government have problems and do not at all times meet with success in all their efforts.

When I was in Europe some years ago, Secretary of State Dulles was there at the Geneva Peace Conference, and a revolution took place in Hungary. At the same time we had an arms deal with Russia. Many people in our Government

did not seem to be on top of the situation in those instances, and our Ambassador to Hungary was not there at the time.

Cuba, South Vietnam, the information that has come out of these countries in some instances, and the developments then, took the country by alarm. I think the need for a joint resolution is more important today than it ever was. I feel that had we had that resolution back in 1954 and a committee like this formed, many of these instances would not have happened. But the problem involved is that they do not trust the Members of Congress to receive this information.

I thought that in 1962 we might have a revision, because the then President, when he was a Member of the other body, had accepted the same resolution. Many others had done it. Now, when they get into the executive branch they feel there is no need to inform the Members of Congress on what is going on to insure that the proper information is collected and sent to the proper agencies of Government.

Mr. ARENDS. I will try to answer the gentlewoman. There is a great deal of difference of opinion about that matter. The gentlewoman stated there are shortcomings in the CIA, which I mentioned in my speech, and that certainly is true. They are human beings. I am talking of the overall picture of the value of the CIA. But in this particular respect you would have a joint committee set up between the Senate and the House, and there would be a certain number of people on that committee. I do not know how you would go about getting the information disseminated to the Members of Congress, because we will never get to the place where every Member of Congress knows exactly at all times exactly what is going on.

Then we finally get to the place where I think we have to be like the fellow who when he was asked if he could keep a secret replied, "Don't worry about me keeping a secret, you have to worry about the people I tell it to."

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, supplementing the statements of the distinguished gentleman from Illinois [Mr. ARENDS], I must say that I have seldom read an article so misleading and so replete with errors as the article to which he refers.

The Central Intelligence Agency is not a policymaking agency. It has no control or oversight of military programs. It is purely a factfinding service.

I may also add that after years of close association with the present personnel of the Agency and those who have preceded them, I do not believe there is another group of men more dedicated to duty or of higher integrity or more effective in the discharge of their assignments, than those who constitute and have constituted the personnel of this important service.

So far as its budget is concerned, it is perhaps more carefully scrutinized than any other of the estimates processed by the committee.

Necessarily, its relations to the committee and the Congress are executive. For the same reason it is not at liberty to answer the many irresponsible inuendos carried in the press and contributed to periodicals seeking the headlines.

In conclusion, may I express appreciation of the statement just made by the gentleman from Illinois [Mr. ARENDS], and at the same time may I take advantage of the opportunity to express my appreciation and warm regard for the CIA, individually and as a whole.

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## PROPOSAL TO ESTABLISH A JOINT COMMITTEE ON THE CIA AND INTELLIGENCE ACTIVITIES

The SPEAKER pro tempore (Mr. PRICE). Under previous order of the House, the gentleman from New York [Mr. LINDSAY] is recognized for 30 minutes.

Mrs. KELLY. Mr. Speaker, would the gentleman be good enough to yield before he proceeds with his main speech?

Mr. LINDSAY. I yield to the gentlewoman.

Mrs. KELLY. I am very happy, Mr. Speaker, that the gentleman from New York [Mr. LINDSAY] has introduced a resolution similar to the one I have sponsored. I have asked the gentleman to yield at this time in order to comment on the remarks of the previous speaker. We are dealing with a problem which relates to intelligence activities that affect our national security—to the coordination and utilization of such intelligence by various departments and agencies of the Government. I do not propose that the Congress of the United States as a whole be kept fully informed on each intelligence operation, on each and every "cloak and dagger" activity, and I am sure there are many Members of the Congress who would not want to know these details. I have never sought classified information from the Atomic Energy Commission, for example, and I know there are many others among my colleagues who have likewise never sought such information. We put our trust in these matters and respect the judgment of those of our colleagues who sit on the duly constituted committees which have jurisdiction and oversight over these activities. By the same token, we feel that there should be a duly constituted congressional "watchdog" committee to oversee the affairs of the Central Intelligence Agency and of the intelligence community in general.

I thank our colleague, the gentleman from New York [Mr. LINDSAY], for yielding to me and I am very appreciative of the fact that he has had articles published pointing out the need for the establishment of such a committee.

Mr. LINDSAY. I thank the gentlewoman for her statement and I should like to associate myself with her remark when she says that there is not any Member of the Congress who wants to uncover even for themselves the secrets of the CIA. Congress need not know the details of clandestine operations, the names and numbers of the players. The gentleman from Illinois in his remarks on that point entirely misses the point.

Mr. Speaker, I regret that my good friend and distinguished colleague, the gentleman from Illinois did not ask for more time than 20 minutes as I had hoped he would which would have permitted me, while he was in the well of the House, to submit to questions from the floor, instead of just reading his prepared text. It is for this reason that I asked for 30 minutes of my own, in order to permit proper debate to take place on the floor of the House on the merits or demerits of the question. The question is whether it is desirable to create a Joint Congressional Committee on Foreign Information and Intelligence.

I hope the gentleman from Illinois will remain on the floor while I discuss this subject as I will have some comments to make about the speech he just made and will point out areas of disagreement and also areas of error, in my judgment.

The gentleman referred to an article that appeared in Esquire magazine which he said was written by a "distinguished Member of the Congress" and "one of the best" and "one of my good friends." He did not identify the Member of Congress. I am the Member of Congress who wrote that article. It was based on an hour-length floor speech that I gave in the well of this House 7 months before the article appeared. It was a condensation and simplification of that floor speech. Most everything that was stated in the article had been stated on the floor of the House by me and by other Members of the Congress.

I regretted at the time that I spoke, 7 months ago, that so little attention was paid to it. I did not hear the gentleman from Illinois make any comment with respect to it and I think a debate at that time, as now, would have been a very healthy thing.

As the gentlewoman from New York [Mrs. KELLY] pointed out, this proposal for a joint congressional committee on the subject of intelligence community, comparable to the Joint Committee on Atomic Energy, has been sponsored by 19 Members of the House of Representatives—14 Democrats and 5 Republicans—which makes it bipartisan. The gentlewoman from New York introduced the proposal long ago. She is a member of the Foreign Affairs Committee and knows a good deal about this subject. Other members who have introduced this resolution are the gentleman from Wisconsin [Mr. ZABLOCKI]; the gentleman from Connecticut [Mr. DADDARIO]; the gentleman from Ohio [Mr. MINSHALL]; the gentleman from New York, [Mr. RYAN]; our distinguished colleague, the gentleman from Florida [Mr. ROGERS], who is on the floor today and who has taken a leadership position on this whole question; also the gentleman from Florida [Mr. GIBBONS]; the gentleman from Idaho [Mr. HARDING]; the gentleman from Arizona [Mr. UDALL]; the gentleman from Texas [Mr. WRIGHT]; the gentleman from North Carolina [Mr. KORNEGAY]; the gentleman from New Mexico [Mr. MONTOYA]; the gentleman from Maryland [Mr. LONG]; the gentleman

from Massachusetts [Mr. MORSE]; the gentleman from New Mexico [Mr. ANDERSON]; the gentleman from Pennsylvania [Mr. FULTON]; the gentleman from New Mexico [Mr. MORRIS]; and the gentleman from Connecticut [Mr. SIBAL].

This proposal came to a vote in the Senate, in 1956, and was defeated. It was sponsored by the distinguished Senator from Montana, Mr. MANSFIELD, now the majority leader. Among those who voted for the bill was the then Senator from Massachusetts, Mr. John F. Kennedy.

So I disagree with the implication made by the gentleman from Illinois, who, I am sorry to say, has left the floor and is no longer present, that there is something radical or irresponsible about this proposal and our reasons for being for it.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. I commend the gentleman for his previous speech on the floor and for his action in sponsoring this vitally needed legislation to form a Joint Committee on the CIA and its intelligence activities. He joins a responsible group concerned about this problem.

The Hoover Commission first looked into this problem and recommended that a special committee be formed. I do not believe anybody would say that the Hoover Commission was an irresponsible body. This Commission, after great study, considered it a necessary thing to have a watchdog committee on the CIA.

Furthermore, former President Truman, in an article in 1963, stated that he was the one who really formed this Agency and he now saw the need for it to be looked into. He said:

> But there are now some searching questions that need to be answered. I, therefore, would like to see the CIA be restored to its original assignment as the intelligence arm of the President, and that whatever else it can properly perform in that special field—and that its operational duties be terminated or properly used elsewhere.

He further said:

> We have grown up as a nation, respected for our free institutions and for our ability to maintain a free and open society. There is something about the way the CIA has been functioning that is casting a shadow over our historic position and I feel that we need to correct it.

Furthermore, the Washington Post, in an editorial, commented on the need for this joint committee and the fact that something needed to be done, because of the concern all of the American people have for this Agency acting without any bridle at all.

I believe it is interesting to note that one could term the Washington Post "a most liberal paper," in its viewpoints, yet it also suggests something should be done. The editorial stated:

> The proposal for a congressional watchdog committee paralleling the Joint Committee on Atomic Energy is neither novel nor rash. The Hoover Commission strongly urged the creation of such a committee. The chief proponent in Congress in years past was Majority Leader MIKE MANSFIELD, who on three occasions introduced the needed legislation. And the idea is alive again in Congress, as it should be.
>
> No other intelligence agency in the free world has the scope and nonaccountability enjoyed by the CIA. In Great Britain, the CIA's counterpart is directly answerable to Cabinet officers, who in turn must face the scrutiny of Parliament. In addition, the British separate the intelligence and operational functions, whereas the CIA has responsibility in both areas. This has been at the root of much criticism of the Agency's activities.

Furthermore, it says that Congress has given it a perfunctory supervision.

Senator SALTONSTALL has been one of those whom the Post called nominal watchdogs, and Senator SALTONSTALL said:

> The difficulty in connection with asking questions and obtaining information is that we might obtain information which I personally would rather not have.

That was his attitude. Of course, according to Senator SALTONSTALL, they have questioned Mr. McCone perhaps only once or twice a year.

So there is a vital need for the Congress to be aware of the actions of this Agency and to establish a joint committee, so that Members can be kept informed and know what the Agency is doing. This has been called for widely from many sources, from sources of leadership, and from the very President who founded the Agency. I believe that the gentleman is on most sound ground in his proposal.

Certainly he did the public a service in his speech and in sponsoring the legislation, and I think also in the very fine article that he wrote.

Mr. LINDSAY. I thank the distinguished gentleman from Florida [Mr. ROGERS]. He is an expert on national security affairs. He has made it his personal duty to see to it that national security affairs are checked by Congress. I thank him for his knowledgeable contribution.

I wish to point out to the House that at the conclusion of my remarks I will ask unanimous consent to insert in the RECORD the Esquire article I wrote. It has already been put in the Appendix of the RECORD by the gentleman from Massachusetts [Mr. MORSE], but I would like to have it reappear at this point because of the attack made on it by the gentleman from Illinois [Mr. ARENDS]. Also I want to make reference to the floor speech I made upon which the article is based. It appears in the CONGRESSIONAL RECORD, volume 109, part 11, beginning at page 15079. I urge Members to read it.

The gentleman from Illinois [Mr. ARENDS] began by attacking the remarks I made on the floor and in this article with respect to the level of supervision provided by four subcommittees of the Congress in respect to the CIA. In addition to that he protects or defends the present jurisdictional setup and says:

> I do not believe that the House Foreign Affairs Committee, the Armed Services Committee, or the Joint Committee on Atomic Energy would be likely to relinquish their responsibilities for legislative oversight of the components of those departments which are presently under their jurisdiction.

Referring to the intelligence arms of various departments in the Government.

I am surprised to find the gentleman defending the status quo on such narrow grounds. Are we so petty that we have to hold onto these little empires of jurisdiction, or are we willing to take a look from time to time at where we stand? The gentlewoman from New York [Mrs. KELLY] is a ranking member of the House Foreign Affairs Committee. The gentleman from Florida, the gentleman from Wisconsin [Mr. ZABLOCKI] is a member, and so is the gentleman from Massachusetts [Mr. MORSE]. And yet they want this new proposal. If they were jurisdictionally jealous they might, quite appropriately, argue that the Foreign Affairs Committee or at least one of its subcommittees should be named. This problem has more to do with foreign policy than with the armed services.

The distinguished gentleman from Illinois seems to take personal offense at my suggestion that the level of watchdog supervision is too low. Really, now, it should be obvious that this is not to the point. Our point is that this subject requires a nearer full-time attention, high status and coordination. The Joint Committee on Atomic Energy does a good job. It watches matters of great sensitivity. But I doubt if the job would be done properly if it were divided up rather haphazardly among four subcommittees of other committees.

I want to stress again that what is chiefly needed is a high level committee that will examine the relationship between the CIA and other departments and agencies of Government, intelligence gathering and special operations, personnel, intelligence evaluation and relationships between departments and agencies abroad. We are not talking about details of operations overseas although from time to time that may be included. The CIA has always insisted, and the gentleman from Illinois insists that nothing is withheld from the authorized subcommittees. I am sure that is so. But, as I pointed out in the article, apparently the notion exists that if the whole matter is kept on the lowest possible level of congressional concern, secrecy will receive a higher degree of respect. There is no logic in the notion. I should think just the opposite would be true.

The other day the press reported that in the Committee on Rules a member of the Rules Committee asked one of the most high-ranking and distinguished members of the Committee on Armed Services, who is also on the CIA Subcommittee, the question, "Do you know how many employees the CIA has here in Washington?" The member answered that he did not. That he had never had occasion to ask. I should have thought he would be interested in knowing. If he did, his answer of course would have been "Yes I do." Period. He would not have been expected to answer further, nor would he have in a public session, or even in a private session with members only present. I would like to recall to you, also, that several other high-ranking Members of the Congress have referred to the little time that is spent on this subject. The gentleman

from Florida mentioned the Senator from Massachusetts [Mr. SALTONSTALL]. When I made my speech on the floor in August 1963 the second ranking member on the minority side of the Committee on Armed Services said as follows:

Mr. Speaker, I want to associate myself with the gentleman's remarks. I think we should have had a joint committee to monitor the CIA when it was first established. I have had a little experience in the matter as a member of the Committee on Armed Services. As you may know, we have a subcommittee on the CIA. I was a member of that committee for either 2 or 4 years. We met annually—one time a year, for a period of 2 hours in which we accomplished virtually nothing. I think a proposal such as you have made is the answer to it because a part-time subcommittee of the Armed Services Committee, as I say, which meets for just 2 hours, 1 day a year, accomplishes nothing whatsoever. I want to compliment the gentleman on his proposal.

It may be, I am sure, that more time is in fact spent; and it may be that there has been some jacking up. But the fact also remains that CIA has become a very important aspect of our governmental establishment and it can, and sometimes has, played an important role in the execution of foreign policy. I claim that it has at times shaped it. The great importance of the CIA in the governmental establishment is symbolized by the very large, very expensive, white building erected on the banks of the Potomac. It symbolizes the degree to which this agency of Government has been brought to the surface and elevated in the governmental establishment. Isn't it about time that we elevated our practices a little bit too?

I was surprised to hear the gentleman from Illinois [Mr. ARENDS], defending the governmental mishmash surrounding the Bay of Pigs fiasco. He says that the policy lines were clear. Even the people chiefly responsible will admit that this is not true. The gentleman might try asking the Secretary of State. He supports his argument by recalling that the President later took full responsibility for the errors of the Bay of Pigs. Of course, he did.

The President is responsible for everything that happens in Government, or does not. But why did the President find it necessary immediately to appoint the Attorney General of the United States, Mr. Robert Kennedy, and Gen. Maxwell Taylor to find out what went wrong and why he was so badly served by agencies of Government? Their first stop was the CIA. And, remember the little tale never denied by the President, about the battle between the hawks and the doves? Meanwhile the Pentagon was waiting for someone to tell it to fly or not to fly. If there was clear policy here, I would hate to think what kind of shape we would be in if policy became really confused.

I made very clear in the speech that I made and in the article that I wrote, that the foreign policymaking organs of Government, just by an absence of clear policy, or by not asserting it when it does exist, can cause other agencies of Government to occupy the field. Operations abroad may snowball themselves. The CIA, or the Pentagon for that matter, may be bootstrapped, even unwillingly from a headquarters point of view, into the position of making policy as they go along. The failure of the State Department to give clear direction and to dominate can cause this.

The CIA is not a policymaking organ and should not be, nor does it want to be. This much is agreed by all. But from time to time the fact of the matter is that there has been no clear policy from Washington. The result has been in at least one instance that operations have snowballed themselves into policy.

The gentleman from Illinois defends the mishmash of Vietnam. I think even the most careful of the public commentators and foreign policy experts, in analyzing what happened in Vietnam during the Diem regime have recognized that separate agencies of the U.S. Government were at times pulling in separate directions; and, in fact, as you will recall, the President found it necessary in the middle of all of this, to reassert the supremacy of the foreign policy organs of Government over other agencies of Government which have no business making foreign policy.

Unless there is clear direction from Washington, this kind of fiasco is going to happen. And unless Congress is willing to take the responsibility for being the double check on questions of policy, including the question of who is making policy, the press attention given to the problem is going to get worse. I do not think it is a healthy thing to have the press of this country increasingly being the only institution that is the watchdog over the difficult problem that we have of trying to separate intelligence and intelligence gathering and operations from the making and shaping of foreign policy.

Mr. Speaker, I submit that it is time we pulled ourselves together in the Congress and reorganized ourselves as necessary in order to be true representatives of the people, and responsible ones.

Mr. Speaker, I do not think the present machinery is performing satisfactorily. I don't think it can, because it is structurally unsound. This has nothing to do with the caliber of the gentlemen involved, which is of the highest. It has everything to do with the structure of the institution. We are charged with the responsibility in seeing to it that that structure is correct and proper.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. LINDSAY. I am delighted to yield to the gentlewoman from New York.

Mrs. KELLY. I want to thank the gentleman from New York for yielding to me at this point. I want to join him in the thoughts which he has just expressed.

Would the gentleman agree with me that with the speed of communications that we have today there is great need for us to have this evaluation ahead of time, if possible, in order to insure that our President receives the coordinated intelligence from all sources from which to formulate policy? I do not want the CIA to carry out policy. All we want in this joint committee is to be sure that the proper department of Government in the executive branch receives for evaluation and determination the intelligence in order to make a policy decision with as much speed as possible, and for us as Members of Congress to have an agency on which to depend to insure us that we can legislate on that policy and to be sure that we can carry it out.

Mr. Speaker, I have many examples that I could cite on this point. However, I do not want to take the precious time of the gentleman from New York [Mr. LINDSAY] who has been so kind to yield to me at this point.

Mr. Speaker, I think one of the big items of concern today is the fact that our policy in Vietnam—and as it did without any question, and right at this point, at this moment, as witness the remarks of the Secretary of Defense yesterday before the Committee on Foreign Affairs in challenging Congress for not giving the proper amount of authorization and appropriations to defend our national security—is something which I find wanting.

Mr. LINDSAY. I thank the gentlewoman for her constructive comments.

Mr. Speaker, I only have a few minutes left and I want to make it once again clear that what many of us suggest to the Members of Congress is that a joint congressional committee be established on foreign intelligence and information. It should have status, staff and coordination. It should look into some of the very important questions, including:

First. The relationship between the CIA and the State Department, especially overseas.

Second. The relationship between intelligence gathering on the one hand and special operations on the other hand.

Third. The selection and training of intelligence personnel.

Fourth. The whole question of intelligence evaluation.

We should not forget that contrary to the Pentagon, where there are levels of political appointees responsible to the President, in the CIA there is only the Director who is a political appointee, appointed by the President and confirmed by the Senate. Right here you have lost your double check. There is the possibility of massive bureaucracy, unchecked. The most important aspect of our Military Establishment is its political control by civilians—by the President through his civilian appointees, and by the Congress.

Unless the Congress is willing to assert its own jurisdiction in the vast area of intelligence work, which includes many things in the operational sense, then we are abrogating our responsibility.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman is making a very important and significant statement, and I should like to congratulate him on it. I am particularly impressed with his concern over the fact that this agency is making policy. I would be much more impressed if we in this Congress recognized that this is a joint tendency. All of our executive agencies are setting down policies that the Congress never intended. You will find that in every agency we have in

the Government today. They take the laws that we pass here and stretch them to mean what they want these laws to say, and very frequently in the determination of policy set down by the agencies they are, in fact, contrary to the very intent and spirit of the laws passed by the Congress.

So it would seem to me that the Congress when it reconvenes next year should give serious thought to giving the committee a greater appropriation so that it can develop topnotch staffs of its own in order that the Congress may run its own legislation instead of going to the agencies every time a bill comes up. The gentleman knows very well that a lot of legislation is written by some bureaucrat who does not have to stand up against the voters. We have been passing legislation, yet they do what they want with it.

I congratulate the gentleman particularly on that aspect of his statement.

Mr. LINDSAY. I thank the gentleman.

Mr. Speaker, as I come to the conclusion of these remarks I would like to read to the Members of the House the last two paragraphs of the article that was made the subject of today's speech by the gentleman from Illinois.

Finally, I would observe that such a joint congressional committee would perform a useful, perhaps an indispensable, service for the Intelligence community itself. There has been a tendency to assign the burden of blame to the CIA when some foreign undertakings have gone bad or failed altogether. Whether the blame has been justified—as in some cases it may have been—or whether unjustified, the liability to blame is apparent, and the CIA, unlike other less-inhibited agencies, can do little to defend itself. A joint committee could do much to maintain the record fairly.

As the Central Government grows in size and power, and as the Congress, like parliaments everywhere, tends to diminish in importance, the need for countervailing checks and balances becomes all the more important. The shaping and implementation by secret processes of some part of foreign policy is an extremely serious matter in a free society. It cannot be shrugged off or stamped as an inescapable necessity because of the dangers of the time and the threat from present enemies of democracy. To do so is to deny our history and to gamble dangerously with our future. There are internal as well as external dangers. Free political systems and individual liberties can be swiftly undermined. Confidence in the systems and liberties can be lost even more swiftly. And when that happens to a free society, no foreign policy, however well conceived, will protect its highest interest, the continuation of the free system of government and the society on which it rests.

Mr. Speaker, I urge Members of Congress and those who read the RECORD at a later time to refer to the remarks that many of us have made on this subject from time to time. I was shocked and disturbed to discover that some of the people who took issue with me for writing an article on this subject had not even taken the trouble to read the article before taking issue.

I must say that when the day comes when we cannot debate these things intelligently and have an exchange of views and ideas about matters of importance, such as this, then we really are in trouble. If this happens in the Congress, then perhaps everything that is being said about the Congress—its procedures, its part-time Members, its failure to move, its failure to organize itself properly—is the truth. We Members of Congress have an obligation and a responsibility to take note of the existing facts. The speech I just heard made by the distinguished gentleman from Illinois [Mr. ARENDS], on this important and complicated subject pretends that nothing has happened; that all is well; that nothing is wrong; that the governmental machinery is the same as it was 20 years ago.

Mr. Speaker, unless we Members of Congress are willing to assert ourselves with respect to difficult subjects, unless we are willing to do the check and balance job we are supposed to do under the separation of powers doctrine, then we will be justly criticized, and other institutions of our society, like the press, will step into the vacuum and do it for us.

[From Esquire Magazine, March 1964]

AN INQUIRY INTO THE DARKNESS OF THE CLOAK, THE SHARPNESS OF THE DAGGER

(By Rep. JOHN V. LINDSAY)

Two major reversals in our foreign policy within the last 3 years have shaken the poise of the intelligence branch of the United States Government to its underpinnings: the abortive adventure at the Bay of Pigs, and the blinding miasma of United States policy that arose in South Vietnam during the Diem era.

The immediate dangers past, commentators have sought to unravel the confusing web of influences in both situations. The full truth is not yet known, and may never be. Nonetheless, it seems indisputable that in both cases the three principal instruments of U.S. foreign policy—the State Department, the military, and the Central Intelligence Agency—were at crucial times pulling in separate directions.

The criticism most frequently heard is that the CIA was meddling in policy, undertaking functions that were not its proper responsibility. The charge has been made that the CIA was combining intelligence gathering with active "operations," a course which carries the risk that intelligence may be used to support prior operational decisions. It has been alleged over and over that in Vietnam, as in the Bay of Pigs, the CIA, with or without direction from higher authority, became enmeshed in its own intrigues. In the Bay of Pigs, the CIA was found supporting a collection of Batista refugees, apparently without clear direction from the State Department. In Vietnam, it became clear that the CIA was closely alined with and subsidizing the special forces run by the late Ngo Dinh Nhu, an elite military force that raided the Buddhist pagodas. Responsible representatives of the press have reported strong disagreements between the State Department and the CIA with regard to policy in Vietnam, and these reports must stand even beside the exaggerations of less responsible press accounts. The evidence was overwhelming that U.S. policy was confused and that the divisions within agencies were being hung on the public washline. When later our Government's support swung to the insurgents who ousted Diem, this very possibly meant an about-face on the part of the CIA. The extent of our involvement even then is unknown, but that we were involved must seem quite possible.

Almost every qualified outsider who has examined the history of the Bay of Pigs blunder has concluded that it was founded on a haphazard jumble of foreign policy, intelligence gathering, and military operations. The CIA appears to have organized and conducted the attempt and also to have gathered the intelligence data on which the prospects for the attempt were judged. Not only was CIA shaping policy—perhaps understandable because of the absence of direction from policy-making organs of the Government—but that policy was patently at odds with State Department thinking. Without fully rehearsing the baleful events that preceded the Bay of Pigs, it is perfectly clear, to understate the matter, that the President was badly served by the agencies involved.

These premises, like all of my remarks in this article, arise only from material and information available to the public. In respect to such material and information I am in the same position as other representatives of the people in Congress, with very few exceptions. All the more reason for such a representative to speak out.

To state the danger posed by the intermingling of intelligence gathering and operations is not to say it is unrecognized by responsible officials. Able men throughout the intelligence community are well aware of and deeply concerned by dangers arising from the absence of clear distinction between intelligence gathering and operations. The trouble may often start, as Allen Dulles, the distinguished former head of the CIA recently said, from lack of clear-cut operational policy in Washington. When a policy vacuum occurs, men in the field are almost involuntarily propelled into operational activities which are not their proper responsibility. Sherman Kent, the head of the Board of National Estimates—one of the most influential elements of the intelligence community—makes the point this way:

"Almost any man or group of men confronted with the duty of getting something planned or getting something done will, sooner or later, hit upon what they consider a single most desirable course of action. Usually it is sooner; sometimes, under duress, it is a snap judgment off the top of the head. I cannot escape the belief that under the circumstances outlined, Intelligence will find itself right in the middle of policy, and that upon occasions it will be the unabashed apologist for a given policy rather than its impartial and objective analyst."

The failures of CIA covert operations are well-known. Less well-known, and of equally sobering magnitude, are the successes. The CIA, for example, played a key part in the ousting of the Mossadegh regime in Iran in 1953, paving the way for eventual reform of the pro-Western government of the Shah. Both British and American vital interests had been threatened by the capricious Mossadegh policies, the major threat being to Britain's necessary supply of oil. The successful coup which unseated Mossadegh was of great benefit to the United States and the West.

The following year the virulently anti-American Arbenz regime in Guatemala was overthrown. The CIA was widely believed to have engineered the coup. But for the success of that coup, Soviet-directed communism in Latin America would presumably be far more deeply entrenched than it is today.

Each of these episodes demonstrates, for good or ill, the explosive nature of the CIA's operational involvement in international politics. It is not at all improbable that it will be similarly involved in the future. The cold war will be with us for a very long time; so will the CIA. Accordingly, our democratic government, unused to secrecy, has within it an immensely powerful and extremely expensive secret organization, for the past few years housed in a very large permanent building on the banks of the Potomac. That building represents the institutionalization of the CIA in the government establishment. More exactly, it marks its positive elevation in status,

always important in government. And yet there is no effective check on its activities now. And there were none in 1961.

Few can deny the actual and potential power of the CIA, however carefully it may be held in check by the skillful men who run it. Ours is supposed to be a government of laws, not of men. At stake are questions of war and peace, as the two Cuban crises so clearly demonstrated. All of us at that time took a look into the atomic pit. Decisions can be made at such times and actions taken about which the public is totally in the dark. So be it. As much as we may abhor government by secrecy, as much as it threatens fundamental liberties, we must understand its limited and necessary application in particular circumstances of hot or cold war. Nevertheless, crucial decisions are made for us and in our name of which we know nothing. And all too often secrecy which is necessary breeds secrecy which is unnecessary, at which point the danger becomes nothing less than a threat to democratic institutions, a marginal one at the outset, but potentially a most serious one.

The Bay of Pigs fiasco occurred despite efforts by Secretary of State Christian Herter and CIA Director Allen Dulles to sort out the relations between their two Agencies so that the making of foreign policy would be removed from the CIA, and the command of policy kept firmly in the hands of ambassadors in the field at all times. The Herter-Dulles agreement was reaffirmed by Secretary Rusk. More recently, following events in Vietnam during the Diem regime, the President found it necessary to reassert publicly his authority and that of the Secretary of State and the National Security Council over the intelligence community. Collaterally the Secretary of State sought to assure the primacy of ambassadors in the policy area overseas.

Particular persons and particular situations may seem to define problems of this sort. But it is also the case that, as long as both the State Department and the CIA are responsible for the collection of information, and—perhaps most important—as long as CIA continues to be responsible for "special operations"—the support of anti-Communist elements and the fomenting of opposition to hostile governments—the problem of integrating the Central Intelligence Agency into our general foreign-policy apparatus will continue to grow in scope and potential danger.

For a time the Maxwell Taylor Committee, appointed by the President to inquire particularly into the Cuban question, appears to have considered the possibility of transferring the bulk of CIA's special operations to the Defense Department. But this solution would have had the obvious disadvantage of ensuring that the uniformed military—and hence the authority and prestige of the U.S. Government—would be identified with any paramilitary operation as soon as it became a matter of public knowledge.

In any event, it seems that the Taylor Committee has left routine covert operations in the hands of the CIA, with control to be transferred to the Pentagon only if a particular project becomes so big as to warrant open military participation. Mr. Hanson Baldwin in The New York Times summed up the matter thus:

"The general rule of thumb for the future is that the CIA will not handle any primarily military operations, or ones of such size that they cannot be kept secret. However, each case will apparently be judged on its merits; there is no hard-and-fast formula that will put one operation under the CIA and another under the Pentagon."

Now surely this is an area in which neither hard-and-fast formulas nor organizational gimmicks can solve the major difficulties. Much depends on the particular situations. The people who are in the most favorable position to gather information are sometimes the best equipped to engage in clandestine political activities. But largely because the problem eludes organizational formulas, because it is a problem to which there is no simple solution, it must be recognized as such and held in check as much as possible. Problems unwatched and unattended tend to multiply.

CIA is served by only one politically responsible officer: the Director himself. All others are career officials. In comparison, the President keeps ultimate control in the Pentagon by his political power to appoint all the top civilian officers there. These officials are entrusted with clear political responsibility, for which there is no parallel in the CIA.

There are in fact questions repeatedly raised about the CIA. Is it wise, for example, to rely to the extent the CIA seems to on the services of retired military officers? One would suppose that retired service officers, though almost always men of great ability, would have an instinctive tendency to take a rather narrow, strictly "operational" and "efficient" view of the problems confronting them. I hope I will not be misunderstood. CIA officials are among the most distinguished in the entire Federal establishment. The leadership of the Agency comprises men of great gifts and dedication—and I include the former military men in the Agency. But recruitment of high-caliber men in large numbers is a problem in the Federal Government, especially in agencies whose work is international.

It is also fair to ask whether the CIA should rely heavily on the services of political refugees. It seems reasonable to suppose, for example, that an exile from his homeland, especially one who has passionate convictions about the course of events there, may not be the best person to assess these events. Again, I hope that I will not be misunderstood. I do not mean to impugn in the slightest the enormous amount of valuable work done by exiles and refugees in the CIA. Without their help, as in the case of the ex-military men, the organization simply could not function as it should. Neither do I mean to suggest that CIA should be staffed with "soft-liners" or people who have had no personal experience with the countries in question. That would be absurd. But I do think that by every recommendation of common sense we must be certain of the objectivity and breadth of our intelligence.

This raises the question of the structure of the intelligence community and of intelligence evaluation—the question of how best to organize the interpreting of the enormous amount of material collected daily by all agencies of the intelligence community.

The phrase "intelligence community" embraces the numerous agencies within the executive branch which are concerned with intelligence collection and evaluation: the CIA, the Defense Intelligence Agency, the State Department's Bureau of Intelligence and Research, the intelligence branches of the armed services, the National Security Agency, the Atomic Energy Commission, and others. The daily chore of coordinating and cross-checking daily intelligence data is largely in the hands of the Defense Intelligence Agency. The long-range estimates are prepared under the direction of the Board of National Estimates, which presides as a kind of general planning staff for the intelligence community. Estimates prepared by this group are submitted to a committee known as the U.S. Intelligence Board. If the Board of Estimates is the planning board for the community, the Intelligence Board is its board of directors. It is the final forum for the professional intelligence community; its judgments go to the National Security Council.

Two aspects of this system in particular are worth noting. The first is the preeminence of the Central Intelligence Agency. A high proportion of the intelligence community's fact gathering is done by CIA. The Board of National Estimates functions as a part of CIA. The Chairman of the U.S. Intelligence Board is the Director of the CIA. And the intelligence community's spokesman on the National Security Council itself is that same CIA Director.

The second aspect worth noting is the duality of CIA's role. Under the National Security Act this agency is not only one participant in the intelligence community; it is also the chief agency responsible for coordinating it. In other words, at many points in the process of evaluation, CIA is both player and umpire, both witness and judge. This ambiguity is implicit in the title of the Director, who is formally not the "Director of the Central Intelligence Agency," but simply "Director of Central Intelligence."

The problem this raises is clear. It is that the Central Intelligence Agency, being not merely central but dominant in the intelligence community, is in an extraordinary position, so long as it is left unchecked to carry its special institutional tendencies into the shaping of American foreign policy.

I believe that these difficulties of unchecked power in the intelligence community can be alleviated only by the Congress, which has the constitutional responsibility to oversee the functions of the executive branch on behalf of the American people. Therefore, I propose the establishment in the Congress of a Joint Committee on Foreign Information and Intelligence. I propose that such a committee be constituted along the lines of the Joint Committee on Atomic Energy and that it have its own funds and staff. It should continuously inquire into our foreign information and intelligence programs, including: (1) the relations between the Central Intelligence Agency and the State Department, especially overseas; (2) the relations between intelligence gathering on the one hand and so-called special operations on the other; (3) the selection and training of intelligence personnel; and (4) the whole question of intelligence evaluation.

The proposal of a Joint Committee on Foreign Intelligence is not new. In one form or another it has been introduced into the House in each of the last 10 sessions, though it has not been debated on the floor. In the Senate, a bill to establish a joint committee, sponsored by Senator MANSFIELD in 1956, was debated for two days on the floor of the Senate and defeated.

Nor is the proposal partisan. At time of writing, there are 14 Democratic and 5 Republican sponsors in the House. In 1959 resolutions were sponsored in the House by 12 Democrats and 5 Republicans. In the Senate in 1956, Members on both sides of the aisle voted for Senator MANSFIELD'S resolution—including the then junior Senator from Massachusetts, the late President Kennedy.

It is most often argued against the establishment of a watchdog committee that the secrecy of our intelligence system would be endangered. The argument does not stand up. No one denies that the CIA and other intelligence agencies must conduct a very high proportion of their work in secret; secrecy is of the essence in their work. But what is true of the intelligence community is also true in many other areas of government—in the fields of atomic energy, weapons development, and, in some respects, foreign policy. But does this mean that Congress is to have no effective authority in those areas? Of course, it does not, for Congress has such authority. It has always asserted its right, indeed, its constitutional duty, to oversee even the most sensitive areas of Government. And where matters of the highest secrecy have been involved, Members of both Houses have shown themselves capable of exercising the utmost restraint. This was never more clearly demonstrated than during

the Manhattan Project in World War II, when members of the two Appropriations Committees were kept apprised of work on the atomic bomb without breaking security. The record of the Joint Committee on Atomic Energy in this connection has been impeccable.

Moreover, the CIA is even now monitored, in theory, by four small subcommittees of the Committees on Armed Services and Appropriations of the Senate and House. Not even the most experienced and security-conscious officials of the intelligence community would deny these subcommittees—had they time to apply for it— access to the pertinent information that might enable them conscientiously to provide the vast sums of money that are requested year after year. But apparently the notion exists that if the whole matter is kept on the lowest possible level of Congressional concern, secrecy will receive a higher degree of respect. There is no logic in the notion. I should think just the opposite would be true.

I find myself in even less sympathy with another argument advanced frequently in discussions of this question—namely, that the intelligence community exists solely to serve the President and the National Security Council, and that therefore we in the Congress have no right to exercise jurisdiction in the matter. But clearly the executive and legislative branches of our Government are not watertight compartments separated by steel bulkheads; the material between them is flexible and porous. There are any number of congressional committees which keep a watch over the executive agencies. And, as I have already said, it is not only their right to do so; it is their duty under the Constitution.

These arguments concerning secrecy and the exclusively executive nature of the intelligence function are, though unpersuasive, at least consistent. But strangely enough, those who opopse the idea of a joint committee insist as well that congressional surveillance is already more than adequate. This contention was made by Allen Dulles in his recent book and by President Kennedy in answer to a question at his October 9 press conference.

What, in fact, is the present extent of congressional surveillance over intelligence activities? As mentioned, in both the House and Senate the bodies responsible for overseeing the intelligence community are subcommittees of the Appropriations and Armed Services Committees. Neither the House Foreign Affairs Committee nor the Senate Foreign Relations Committee has jurisdiction in this area despite their obvious interest in intelligence matters. This might not matter were it not that the surveillance exercised by the four existing subcommittees is both cursory and sporadic.

At the time I introduced the resolution proposing the Joint Committee and spoke on the floor of the House in favor of it, Congressman WALTER NORBLAD of Oregon, the second-ranking minority Member of the House Committee on Armed Services, had this to say:

"Mr. Speaker, I want to associate myself with the gentleman's remarks. I think we should have had a joint committee to monitor the CIA when it was first established. I have had a little experience in the matter as a member of the Committee on Armed Services. As you may know, we have a subcommittee on the CIA. I was a member of that committee for four years. We met annually—one time a year, for a period of 2 hours in which we accomplished virtually nothing. I think a proposal such as [Mr. LINDSAY has] made is the answer to it because a part-time subcommittee of the Armed Services Committee, as I say, which meets for just 2 hours, 1 day a year, accomplishes nothing whatsoever. I want to compliment the gentleman on his proposal."

The reasons for the lack of adequate check and examination are almost self-evident: the members of the four subcommittees themselves, by definition, have relatively low status. But even had those subcommittees both status and time, the difficulties involved in dividing jurisdiction among the four would, I think, be insuperable.

It should be clear from what I have said that the bipartisan proponents of a Joint Committee on Foreign Information and Intelligence are fully aware that a high degree of secrecy is essential to the workings of the intelligence community. Neither I nor any legislator wishes to see the legitimate secrets of the intelligence community reported in the press and on the air. Indeed, this seems far more likely to occur under present conditions because the press, sometimes called "the fourth branch of the Government," may turn out to be the only effective check on intelligence activities—and that check could be dangerous as well as disruptive. But danger and disruption are certain if public confidence in the intelligence establishment erodes. It is less likely if a body of the people's representatives, properly constituted and are carefully chosen by the leadership of the two Hosues of Congress, remains continuously aware of the activities of the intelligence community. The performance of this function is nothing less than their duty to the American people, whose lives and liberties are profoundly involved in the intelligence activities of our Government.

Finally, I would observe that such a joint congressional committee would perform a useful, perhaps an indispensable, service for the intelligence community itself. There has been a tendency to assign the burden of blame to the CIA when some foreign undertakings have gone bad or failed altogether. Whether the blame has been justified—as in some cases it may have been—or whether unjustified, the liability to blame is apparent, and the CIA, unlike other less inhibited agencies, can do little to defend itself. A joint committee could do much to maintain the record fairly.

As the Central Government grows in size and power, and as the Congress, like parliaments everywhere, tends to diminish in importance, the need for countervailing checks and balances becomes all the more important. The shaping and implementation by secret processes of some part of foreign policy is an extremely serious matter in a free society. It cannot be shrugged off or stamped as an inescapable necessity because of the dangers of the time and the threat from present enemies of democracy. To do so is to deny our history and to gamble dangerously with our future. There are internal as well as external dangers. Free political systems and individual liberties can be swiftly undermined. Confidence in the systems and liberties themselves can be lost even more swiftly. And when that happens to a free society, no foreign policy, however well conceived, will protect its highest interest, the continuation of the free system of government and the society on which it rests.

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include the full text of an article I wrote which appeared in the March issue of Esquire magazine, entitled "An Inquiry Into the Darkness of the Cloak and the Sharpness of the Dagger.

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

There was no objection.

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may insert their remarks at this point in the RECORD, following the remarks I have just made on this subject.

The SPEAKER pro tempore (Mr. PRICE). Without objection, it is so ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I join my colleagues in support of a Joint Congressional Committee on Central Intelligence.

For the past 10 years I have introduced into the Congress resolutions calling for the creation of such a committee. Only yesterday I once again wrote the distinguished chairman of the House Rules Committee, the gentleman from Virginia [Mr. SMITH], asking that hearings be scheduled as soon as possible on my bill, House Congressional Resolution 2, which would create a "watchdog" committee on intelligence matters.

It is my hope that some action may be initiated on this measure during the current session of Congress.

There is, in my opinion, a pressing need for the establishment of this committee. There are several reasons which have prompted me to propose the creation of this committee.

The foremost reason lies in the tremendous importance of intelligence activities conducted by the executive branch of our Government. Since the end of World War II and the advent of the nuclear age, our need for adequate and timely intelligence has intensified greatly. Such intelligence is necessary if we are to survive as a free nation and the leader of the free world.

Are we getting the high quality intelligence we need in these times of peril? Are our present intelligence operations efficient and effective?

There is ample reason for doubt. For example, the Hoover Commission, in 1955, reported that there were at least 12 major departments and agencies engaged in intelligence of one form or another.

These included the National Security Council, the Central Intelligence Agency, the National Security Agency, the Department of State, the Federal Bureau of Investigation, and five agencies within the Defense Department.

Since 1955 there have been some organizational changes within the Department of Defense toward consolidating the intelligence operations of the separate services within the Defense Intelligence Agency. At the same time, however, intelligence activities seem to be proliferating as the cold war grows older and more complex. For example, it recently has come to my attention that the Air Force Systems Command is operating a semiautonomous intelligence-gathering agency and wishes to expand its operations.

Other agencies in this field are the U.S. Intelligence Board, the President's Foreign Intelligence Advisory Board, and the Atomic Energy Commission.

The multiplicity of agencies operating in the area of intelligence gives rise to many questions about the efficiency of our activities.

What is, for example, the relationship between the CIA and the DIA? Are they

working toward a unified end, cooperating together? Or do their efforts overlap and conflict?

The latter seem to have been true in Vietnam last year where it was reported that the CIA personnel in the country were supporting and assisting the Diem regime, while the DIA personnel were known to be seeking the overthrow of President Diem and his family.

After examining similar instances of our intelligence-gathering agencies working at cross-purposes, the Hoover Commission, in 1955, recommended that a Joint Congressional Committee on Intelligence be established, patterned after the Joint Atomic Energy Committee.

Another reason for a "watchdog" on intelligence activities is the rising amount of money our Nation is spending on such operations.

The CIA alone has been called a "billion dollar operation" by many reliable sources. Certainly, the combined intelligence activities of our Government would reach well over a billion dollars annually.

The budgets of these agencies must be given the closest possible scrutiny in order to do away with waste and duplication of effort. Congress must have a special committee with the time and knowledge to do this effectively.

In closing, Mr. Speaker, I would like to emphasize once again three things that we who advocate the Joint Committee on Central Intelligence do not mean to imply.

First, we are not in any way casting doubt on the loyalty or patriotism of our CIA and other intelligence employees. For the most part they are doing an excellent job which often receives too little recognition.

Second, we do not wish to "investigate" the CIA or any other agency. The committee would not pry into the secrets of the intelligence-gathering agencies. It would simply obtain enough information on the operations of the intelligence community to enable the Congress to make a reasonably sound judgment on its budget and its effectiveness.

Third, we do not intend any criticism of the committees and Members of Congress who currently handle CIA activities and appropriations. They are doing the best possible job.

Unfortunately, the result of the present system is all too often a piecemeal, hit-and-run examination of the policies and activities of our intelligence-gathering agencies by Congress.

The remedy is a Joint Congressional Committee on Central Intelligence. It is my earnest hope that the House Rules Committee will soon report this measure favorably to the floor of the House, so that the Members of this body may work their will.

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## INTEROCEANIC CANAL PROBLEMS: ADEQUATE STUDY REQUIRES TIME

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FLOOD. Mr. Speaker, as the result of two statements on Panama-United States relations by President Johnson, March 16 and 21, 1964, the crisis over the Panama Canal has received increased world attention.

In the first, made under dramatic circumstances before a meeting of the Organization of American States, the President refused to agree to commit his administration in advance to renegotiate the basic 1903 Panama Canal Treaty as a prerequisite for Panama's resumption of normal diplomatic relations with the United States, which President Chiari of Panama severed on January 10. It was President Johnson's knowledge of how President Chiari tried to blackmail the United States with mob assaults on the Canal Zone led by Castro agents and of how Panama's chief envoy to the United Nations attacked the United States with threats to take the Panamanian case before this international body which accounts for President Johnson's refusal to yield under the presence of Panamanian blackmailers.

The second statement by President Johnson on March 21, in a conciliatory effort to end the crisis, was specific in calling for a solution that "protects the interests of all the American nations in the canal" as well as of Panama.

Officials of our Government know that a claim behind the insistence of Panama for a renegotiation of the 1903 treaty is the Panamanian assertion that this treaty is null and void. This must be clearly understood, for were our Government to agree to such a basis for diplomatic discussions it would put itself on the defensive by telling the world that it has been wrong in dealing with Panama. The delay thus far occasioned affords an opportunity to review the Panama crisis in the light of the overall interoceanic canals problem. Certainly the recurring mob invasions of the Canal Zone and the resulting slaughter of U.S. soldiers and citizens there constitute powerful arguments for the continuance of U.S. sovereignty over the zone.

As stressed in my address to the House on March 9 on "Panama Canal: Focus of Power Politics," the January 1964 Panamanian outbreak has aroused the interest of the Nation in the interoceanic canals question to a degree not equaled since the dramatic dash of the *Oregon* in 1898 to join our fleet off Santiago. In my March 11 statement, "Panama Canal: Formula for Future Canal Policy," I summarized the problems that must be considered in its formulation. Such policy, Mr. Speaker, must be determined before there can be intelligent discussions of diplomatic questions with any country, especially Panama, where, according to an editorial in the March 11 Estrella de Panama, the garbage collection situation, if not soon solved, will become a national calamity. Moreover, Panama is in the midst of a heated presidential campaign, with candidates vying with one another in presenting programs to the electorate for driving the United States off the isthmus or, at least, for wringing absolutely unjustifiable and destructive concessions and benefits from the United States.

Until our Government, by means of an adequately constituted and independent Interoceanic Canals Commission, develops what our future canal policy should be, there can be no basis for important negotiations with any country, least of all with Panama where we have a workable treaty which would permit the modernization and increase of capacity of the existing Panama Canal to meet future needs without a new treaty.

Mr. Speaker, in view of the present deplorable situation on the isthmus, much of which was caused by our own pusillanimous conduct of policy matters in contemptuous disregard of the Congress, I believe that I reflect the views of informed Members of the Congress and many leading canal experts in various parts of the Nation when I urge that nothing be done in the way of serious diplomatic discussions not only until after the Panamanian election in May but until after the necessary independent Interoceanic Canals Commission is created, put to work on the overall canal question, and indicates the site and type of the required solutions.

Our country must become more realistic in its approach to Latin America. Certainly there is no imperialism or colonialism in the exercise by the just and indispensable sovereignty over the Panama Canal enterprise; and such exercise is best for Panama itself, its radical politicians and Castroites notwithstanding.

The two indicated statements of President Johnson follow; also an editorial in the Evening Star commending the President on the first statement and an article by William S. White supporting a realistic approach in dealing with Latin American questions:

[From the Washington Post, Mar. 17, 1964]

REMARKS BY JOHNSON ON PANAMA SITUATION

(The White House transcript of President Johnson's remarks on Panama, during his Alliance for Progress speech.)

Let me now depart for a moment from my main theme to speak of the differences that have developed between Panama and the United States.

Our own position is clear and it has been from the first hour that we learned of the disturbances. The United States will meet with Panama anytime, anywhere, to discuss anything, to work together, to cooperate with each other, to reason with one another, to review and to consider all of our problems together, to tell each other all our opinions, all our desires, and all our concerns, and to aim at solutions and answers that are fair and just and equitable without regard to the size or the strength or the wealth of either nation.

We do not ask Panama to make any precommitments before we meet, and we intend to make none. Of course, we cannot begin on this work until diplomatic relations are resumed, but the United States is ready today, if Panama is ready. As of this moment, I do not believe that there has been a genuine meeting of the minds between the two Presidents of the two countries involved.

Press reports indicate that the Government of Panama feels that the language which

has been under consideration for many days commits the United States to a rewriting and to a revision of the 1903 treaty. We have made no such commitment and we would not think of doing so before diplomatic relations are resumed and unless a fair and satisfactory adjustment is agreed upon.

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[From the Washington Post, Mar. 22, 1964]

L.B.J. STATEMENT ABOUT PANAMA

(Following is the statement by President Johnson, which he read personally to newsmen yesterday on the dispute with Panama:)

The present inability to resolve our differences with Panama is a source of deep regret.

Our two countries are not linked by only a single agreement or a single interest. We are bound together in an inter-American system whose objective is, in the words of the charter, "through mutual understanding and respect by the sovereignty of each, to provide for the betterment of all."

ALLIED IN STRUGGLE

Under the many treaties and declarations which form the fabric of that system, we have long been allies in the struggle to strengthen democracy and enhance the welfare of our people. Our history is witness to this essential unity of interest and belief. Panama has unhesitatingly come to our side, twice in this century, when we were threatened by aggression. On December 7, 1941, Panama declared war on our attackers even before our own Congress had time to act.

Since that war, Panama has wholeheartedly joined with us, and our sister Republics, in shaping the agreements and goals of this continent. We have also had a special relationship with Panama, for they have shared with us the benefits, the burdens, and trust of maintaining the Panama Canal as a lifeline of defense and a keystone of hemispheric prosperity. All free nations are grateful for the effort they have given to this task. As circumstances change, as history shapes new attitudes and expectations, we have reviewed periodically this special relationship.

We are well aware that the claims of the Government of Panama, and of the majority of the Panamanian people, do not spring from malice or hatred of America. They are based on a deeply felt sense of the honest and fair needs of Panama. It is, therefore, our obligation as allies and partners to review these claims and to meet them, when meeting them is both just and possible.

READY TO REVIEW ISSUES

We are ready to do this.

We are prepared to review every issue which now divides us, and every problem which the Panama Government wishes to raise.

We are prepared to do this at any time and any place.

As soon as he is invited by the Government of Panama, our Ambassador will be on his way. We shall also designate a special representative. He will arrive with full authority to discuss every difficulty. He will be charged with the responsibility of seeking a solution which recognizes the fair claims of Panama and protects the interests of all the American nations in the canal. We cannot determine, even before our meeting, what form that solution might best take. But his instructions will not prohibit any solution which is fair, and subject to the appropriate constitutional processes of both our Governments.

I hope that on this basis we can begin to resolve our problems and move ahead to confront the real enemies of this hemisphere—the enemies of hunger and ignorance, disease and injustice. I know President Chiari (of Panama) shares this hope. For, despite today's disagreements, the common values and interests which unite us are far stronger and more enduring than the differences which now divide us.

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[From the Washington Evening Star, Mar. 23, 1964]

BID TO PANAMA

President Johnson's latest comment on the Panama issue is an energetic attempt to break the logjam which has been blocking settlement of the canal dispute.

Mr. Johnson made his move in an "impromptu" appearance at a conference held late Saturday by George Reedy, who has replaced Pierre Salinger as White House press secretary. The President proclaimed his readiness to name a special representative to seek a solution of the Panama Canal differences—a solution which "recognizes the fair claims of Panama and protects the interests of all the American nations in the canal." He also said, "We are well aware that the claims of the Government of Panama, and of the majority of the Panamanian people, do not spring from malice or hatred of America."

The first is a reasonable statement of what has always been the position of the United States, as we understand it. The second, while obviously intended to be conciliatory, ignores certain facts which are clearly spelled out in the record. One of these is that it was the President of Panama who broke off diplomatic relations with the United States. A second is that it was Panama's Ambassador to the United Nations who falsely accused our forces in the Canal Zone of "bloody aggression" against the people of Panama.

The President, however, may be justified at this stage in glossing over the difficulties. He is trying to repair the damage resulting from last week's misunderstanding with the OAS committee and to clear the way for a settlement with Panama. In striving to attain such objectives, little harm can result from generous statements—provided always that the essential interests of the United States are not neglected. We do not think that Mr. Johnson means to neglect them.

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[From the Washington Evening Star, Mar. 23, 1964]

THE PASSING SCENE: UNITED STATES STIFFENS ON LATIN AMERICA

(By William S. White)

The Johnson administration is moving on every front toward a more realistic approach to Latin America—an approach in which the legitimate interests of the United States will be the final test of every policy.

There is not the slightest intention to be tough or arrogant with the Latins. There is not the smallest purpose to be ungenerous with American aid or unsympathetic to the poverty and the fierce national and cultural pride which make the Latins perhaps the world's most sensitive people.

There is, however, the firmest of determination here to end a long era of well-intentioned but undue submissiveness in Washington to every wind of disapproval of us, however unjustified, which may blow up from south of the border.

In a word, the U.S. Government is casting off the moldy hair shirt which for decades it has worn. It is saying goodby to an absurdly extreme sense of American guilt. For these same decades this guilt feeling has assumed that the United States is automatically and inevitably to blame for every difficulty in the Western Hemisphere simply because half a lifetime ago this country sometimes practiced "gunboat diplomacy" in Latin America.

GOOD NEIGHBORS

We intend to be good neighbors in the true and adult and self-respecting sense. We do not intend, however, to be simply Uncle Sap good neighbors forever, saying we are wrong when we are right, and forever remorseful because some President Coolidge of the dim past sent the marines to Nicaragua.

All this is one columnist's interpretation of the direction in which the U.S. Government is turning under two men whose human connections with and personal understanding of the Latins are facts of lifelong experience—President Johnson and Assistant Secretary of State Thomas Mann.

They know the Latin mind. Mr. Johnson knows it because of 30 years of mutually cordial political association with the Mexican-Americans of Texas. Mr. Mann knows it through much service as perhaps the most skilled diplomat of his generation in Latin American affairs.

Each man's awareness is intimate and factual; not bookish and theoretical. Each man truly likes the Latins; but neither man is filled with purely academic assumptions that are foreign to human reality.

They know, for illustration, that while the Latins naturally like a United States which bows to every demand, the Latins at bottom respect only those officials who are "muy hombre" (very manly) and frankly prepared to uphold their own rights. This must be done with grace and good humor; but also with dignity and resolution.

COMMUNIST CUBA

Thus, this country now sees honest American efforts to settle difficulties like that in the Panama Canal Zone with full respect for the right and feelings of the Panamanians—but also with full insistence on the right and feelings of the United States of America.

Thus, this country will later see powerful and tireless Washington efforts to do more than talk about the menace posed by Castro Cuba. This Government will expect its Latin friends to realize that we are attempting to excise the cancer of communism in Cuba not so much for our own sake as for theirs. And this Government will expect the true cooperation of those it is trying so hard to save.

The round sum of the developing policy of the United States toward Latin America might be thus expressed: Mr. Johnson did not come to the Presidency to preside over liquidation of free governments in this hemisphere to suit the world's Fidel Castros, nor to waive every American interest in the doctrinaire notion that the United States is always wrong.

Mr. Mann did not undertake perhaps the toughest job in American diplomacy simply to solicit hurrahs from those who still think that every criticism of the United States—and every thrust at American business abroad—must be met with instant American concessions and instant American breast beating.

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## OUTSTANDING FEDERAL ADMINISTRATOR FOR 1963

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. RYAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RYAN of Michigan. Mr. Speaker, it is my pleasure to announce to this honorable body that one of my constituents, Dr. O. C. Williams, was named "Outstanding Federal Administrator for 1963."

Presentation of the plaque and certificate, which is awarded by the Federal Business Association of Detroit, will be made on April 2.

Dr. Williams is the medical officer in charge at the U.S. Public Health Service Hospital in Detroit, Mich. A graduate of the University of Kansas Medical School, Dr. Williams has served 34 years in the Public Health Service.

In 1939, he was assigned to the Detroit Public Health Service Hospital as Chief of Surgery and remained there until 1944. Dr. Williams has operated on as many, if not more, Federal employees than any other surgeon in the Public Health Service during his many years as Chief of Surgery.

The good doctor came back to Detroit in 1957 to serve as medical officer in charge. As a part of his administrative duties, he supervises 26 outpatient and designated physicians' offices throughout the States of Michigan, Ohio, Pennsylvania, and West Virginia.

He has served on the board of directors for the Federal Business Association of Detroit and has taken an active part in the various community campaigns, such as the United Foundation, March of Dimes, Crusade for Freedom, et cetera.

I sincerely wish Dr. Williams many more gratifying and rewarding years in the field of public health service.

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## H.R. 10618: A BILL TO INCREASE THE AMOUNT OF DOMESTIC BEET SUGAR AND MAINLAND CANE SUGAR WHICH MAY BE MARKETED DURING 1964, 1965, AND 1966

Mr. LIBONATI. 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 pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FASCELL. Mr. Speaker, the purpose of the bill which I introduced yesterday is to provide immediate relief from excessive inventories of beet and mainland cane sugar and to buttress the presently existing Sugar Act by eliminating its inequities for the duration of its present existence; that is, from now until December 31, 1966.

The present beet area quota of 2,600,000 tons would be increased to 3,350,000 tons for 1965 and 1966 and would be 2,850,000 for 1964; the mainland cane area on the other hand would have its present quota increased from 900,000 tons to 1,150,000 tons in 1964, and to 1,650,000 tons for 1965 and 1966. The beet area production for calendar 1964 is set at approximately 3,100,000 tons and the mainland cane area production at 1,200,000 tons. The ability of both industries to meet these increased quotas and accomplish the purposes of this bill has already been demonstrated.

The past year's fluctuating price of sugar to the U.S. consumer, largely occasioned by our dependence upon foreign suppliers for a considerable portion of our sugar needs points up the advisability of relying more heavily upon our domestic producers who stand ready, willing, and able to satisfy a greater part, if not all, of our domestic requirement.

The cane-sugar industry with its long-range constancy of production, more efficient utilization of farmlands not easily maintained in other crops, and its function as a source of supply readily and continually available to meet the varying demands of the cane sugar refiners is prepared to, and should, provide an increased proportion of our ever increasing annual sugar consumption.

This bill will serve to enable the accomplishment of the foregoing aims by providing a more realistic division of the market between the beet processors on the one hand and the cane processors and refiners on the other.

Under the Sugar Act of 1948 as amended, as this House is well aware, about 1½ million tons of quota was allotted to Communist Cuba with the proviso, however, that so long as our country was not maintaining diplomatic relations with Cuba this tonnage would be purchased from other foreign countries. In view of Cuba's supplying better than 3 million tons of sugar to the United States in 1958, its last full year of participation in the U.S. sugar market, and the present state of disrepair and highly diminished productive capacity of the Cuban industry as well as the great length of time required to restore this industry to its former productive levels, it is highly unrealistic any longer to maintain any quota whatsoever, primarily set up for Cuba.

Both the beet and mainland cane sugar areas of our domestic industry have responded to the necessity of meeting the void occasioned by Cuban nonsupply with an increase of capacity which has resulted in a production in both areas considerably in excess of the marketing allotments for such areas. The present anomalous situation of having an oversupply of sugar in our domestic producers and an undersupply of marketing allotment occasioned by maintaining the fictional Cuban quota should be eradicated. This bill proposes to do that.

The refiners of cane sugar whose industry has long been dependent upon offshore sugars not now available must be provided with adequate raw material to assure their continued and undiminished position in fulfilling our domestic requirements. This is the primary reason why the increase of quota should be divided equally between the beet and mainland cane areas rather than upon the basis of division presently existing under the act for the basic quota of marketing allotments.

The instability of governments of many areas of foreign sugar supply with the consequent uncertainty of the availability of this supply magnifies the necessity of affirmative action to protect the American consumer of sugar from price gyrations such as those to which these consumers have recently been subjected. The surest and most effective method of doing this is to provide for the domestic industry to produce a greatly enlarged percentage of our annual sugar consumption. This bill does that.

## LET'S GET THE FACTS STRAIGHT ON THE WHEAT PROGRAM—PART 2

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PURCELL. Mr. Speaker, this statement is made in connection with my statement contained in the CONGRESSIONAL RECORD for yesterday on page 6335. There will be further statements along these lines on April 6 and 7.

Mr. Speaker, yesterday I called your attention to the fact that wheat producers and most farm organizations want the wheat program which is a part of H.R. 6196.

Today, I want to clear up two more common misconceptions; first, that because it involves the use of certificates the wheat program in H.R. 6196 is a complicated program. Second, I want to correct the misconception that this program was not studied in detail by the House Committee on Agriculture.

Mr. Speaker, this is the simplest, most flexible price support program that has ever been offered wheatgrowers.

Under this program each wheat producer is notified of his wheat acreage allotment and the number of certificates he is entitled to if he plants within his allotment.

What could be simpler than this?

All the producer has to do is advise his county committee that he plans to cooperate. At the appropriate time the committee will inspect his farm to verify the fact that he has planted within his allotment. When this has been done, the county committee may mail him the wheat marketing certificates to which he is entitled.

He may sell his wheat from the combine, or he can place it in storage. No marketing card is required to sell his wheat as under the old program.

If he wishes, he can take his wheat marketing certificates to the local elevator with his wheat. The elevator will pay him the face value of the certificates and may sell them to the local or regional office of the Commodity Credit Corporation.

Or, the producer himself may take or send the wheat marketing certificates to the local or regional Commodity Credit Corporation office and receive their face value.

A wheat producer who does not wish to cooperate by planting within his wheat acreage allotment has no forms to fill out. No one will check on his excess plantings. He may sell his wheat freely in the market and, for the same quality wheat, should receive the same market price as the cooperator. He simply is not entitled to any marketing certificates if he has overplanted his wheat allotment.

It is as simple as that.

The wheat program authorized in H.R. 6196 has a new feature in it which gives wheat producers more flexibility in their

planting plans than ever before. It is the so-called substitution clause. Under this clause, at the discretion of the Secretary of Agriculture, a producer may substitute wheat on a part of his feed grain acreage base or plant feed grains on a part of his wheat acreage allotment and still be in compliance with both programs.

This provides a flexibility to farmers who produce both wheat and feed grains that was never before available to them.

The new wheat prorgam is equally simple and free of administrative headaches for the wheat trade and the domestic millers. All wheat will move through the usual channels of trade, being bought and sold on the basis of its quality and geographic location. High quality wheat will command its usual premium in the marketplace.

Domestic millers will know in advance the value of the marketing certificates they must purchase to go with all wheat utilized for domestic food uses. There is no uncertainty or difficulties involved in this. They know that with every 1,000 bushels of wheat purchased and utilized for domestic food products they must purchase the equivalent number of wheat marketing certificates at the price set for the entire marketing year by the Secretary of Agriculture.

The wheat marketing certificates can be obtained from the nearest Commodity Credit Corporation office.

What could be simpler?

Now, I want to set the record straight on the long hours of hearings and study which my subcommittee put in on this wheat program.

I know of no recent bills which have come before the House of Representatives with a longer record of hearings held on them—unless, perhaps, it was the tax cut or civil rights bills.

Mr. Speaker, on July 22, 23, and 26 the Wheat Subcommittee, of which I have the honor to be chairman, held hearings on 39 wheat bills. At that time the proposal for a voluntary certificate plan similar to the one incorporated in H.R. 6196 was presented to the subcommittee by a former Member of this body, Senator GEORGE MCGOVERN, from the important wheat-growing State of South Dakota.

The voluntary certificate plan and many other proposals were widely discussed by wheat producers and by farm leaders in the late summer and fall months.

On December 11, 12, and 16, the Wheat Subcommittee again held open hearings and heard some 14 witnesses representing many State organizations of wheat producers, the National Association of Wheat Producers, the Millers National Federation, and representatives of national farm organizations.

Most of these witnesses favored a voluntary certificate plan of the type authorized in H.R. 6196.

Mr. Speaker, I take my responsibility as chairman of the Wheat Soubcommittee seriously. I continued open hearings on all the various wheat plans proposed on January 7, 8, 9, 17, and 22.

After these extensive hearings, I introduced H.R. 9780 on January 28. H.R. 9780 authorizes a voluntary certificate plan very similar—in fact almost identical—to the provisions of H.R. 6196.

Mr. Speaker, H.R. 9780 and the other alternative wheat bills were discussed by the Wheat Subcommittee in executive session on February 14, 15, 17, 20, 21, 24, and 27. At that time, the subcommittee voted to send it to the full committee. The House Agriculture Committee held two meetings on this bill and reported it favorably on March 17.

Mr. Speaker, that is the record of the study made by the Wheat Subcommittee in 1963 and in the past few months. But I ask any Member of this body who has been told he will be asked to vote on a wheat program that has not been given adequate study to look at pages 8 and 9 of House Report No. 1239—the report to accompany H.R. 9780—"A Voluntary Marketing Certificate Program for Wheat."

Mr. Speaker, the wheat program authorized in H.R. 6196 is an updated version of the wheat certificate plan introduced by Congressman Stockman, of Oregon.

In years past, Clifford Hope, of Kansas, took the leadership in sponsoring this type of a program for wheat producers. Many outstanding Members of this body have introduced and supported legislation of this type in past years. In addition to former Congressmen Stockman, Hope, Smith of Kansas, Johnson of Colorado, and Breeding, Congressman Albert, Berry, Horan, and others have introduced and supported similar legislation in earlier years.

Mr. Speaker, when we vote on H.R. 6196 we will be voting on a wheat program that has had not hours, not weeks, not months—but years of study.

It is the best wheat program a majority of the Wheat Subcommittee could agree on.

It is the best wheat program a majority of the Agriculture Committee could agree on.

It is recommended by President Johnson and Secretary Freeman.

It is a program which should be approved by the Members of this body when they have an opportunity after the Easter recess.

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## HELLER QUERIED ON PRICE-WAGE GUIDEPOSTS

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CURTIS. Mr. Speaker, a recent article in the Wall Street Journal indicated that the administration has 15 major industries under special scrutiny as part of its early warning system for price increases. According to the article, planned price boosts will get quick top level attention with individual dissuasion efforts following where necessary. One official is quoted as saying, "We'll jawbone, armtwist and needle."

Because of the importance of this matter, I have written Dr. Walter W. Heller, Chairman of the Council of Economic Advisers, asking whether this report is true and, if so, asking what industries have been placed under scrutiny, what procedures have been set up under the early warning system and what form will individual dissuasion efforts take.

I have also asked Dr. Heller whether individual collective bargaining situations that may lead to a wage spiral are also being put under scrutiny. This is particularly pertinent in view of the announcement of the United Auto Workers that it will ask for a 4.9-percent increase in wages and fringe benefits this year, a figure far exceeding the limits set by the wage-price guideposts.

Under unanimous consent, I insert a copy of my letter to Dr. Heller as well as a copy of the article from the Wall Street Journal of March 20 in the RECORD at this point:

MARCH 23, 1964.

Dr. WALTER W. HELLER,
*Chairman, Council of Economic Advisers,*
*Executive Office of the President,*
*Washington, D.C.*

DEAR DR. HELLER: I noted in the Wall Street Journal of March 20 that a price-wage early warning system is going into high gear, with 15 major industries under special scrutiny. According to the Journal, planned price boosts are getting top-level attention faster, with the possibility that individual dissuasion efforts on the part of administration officials will follow.

Is this report true? If so, I would appreciate knowing the 15 major industries reportedly under scrutiny. I would also like to know the procedures set up under the early warning system and the action which the administration intends to take in cases where it considers that particular wage and price decisions have violated the guideposts.

It has also been noted in the press recently that the United Auto Workers have announced that they will ask for an increase in wage and fringe benefits of 4.9 percent, which certainly exceeds the administration's guideposts. Can you tell me if the administration also has under scrutiny individual collective bargaining situations that could lead to a wage spiral this year?

Because of the importance of this matter, I hope you will reply to this letter at your earliest possible convenience.

Sincerely yours,

THOMAS B. CURTIS.

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[From the Wall Street Journal, Mar. 20, 1964]

WASHINGTON WIRE: A SPECIAL WEEKLY REPORT FROM THE WALL STREET JOURNAL'S CAPITAL BUREAU—JAWBONE ATTACK AGAINST PRICE AND WAGE INCREASES HEADS INTO FULL CRY

Johnson adviser Heller, speaking Monday to the Detroit Economic Club, will hammer on the need for restraint; big auto executives will be listening. Hodges, tax collector Caplin strum the same theme. Some seldom-involved officials begin to talk up anti-inflation efforts; signs of prices inching up add to the urgency.

An early warning system goes into high gear, with 15 major industries under special scrutiny. Planned price boosts get top-level attention faster; individual dissuasion efforts may follow. "We'll hit every part of the anatomy," vows one official. "We'll jawbone, arm-twist and needle." Labor-management attacks on Johnson's wage-price guidelines only convince some officials the idea is right.

There's no sign now of any plan for compulsory controls. A line in a Caplin speech last week, seeming to warn of compulsion, was not intended to sound as it did.

## WHO ARE THE AMERICAN POOR?

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CURTIS. Mr. Speaker, now that President Johnson has issued his poverty message, every Member of Congress should study it critically and analytically and without regard to the emotional generalities which often cloud a discussion of poverty.

As my Republican colleagues on the Joint Economic Committee and I have been pointing out for the past few weeks, before a strong and effective program can be developed, it is important to know exactly who are the American poor. The administration claims that any family with less than $3,000 annual income is living in poverty, but many well-known economists dispute the relevance of this figure.

A recent article in the March issue of Fortune magazine examines in detail the various statistical measures available to define the American poor. The article points out that money income alone is not a sufficient standard of poverty, but that other variables such as age, family size, geographical location, and family assets, must be considered.

Because this article makes a valuable contribution to moving forward the national debate on poverty, I include it in the RECORD at this point:

### WHO ARE THE AMERICAN POOR?

(By Edmund K. Faltermayer)

It is not difficult to demonstrate, by means of some fairly convincing statistics, that in today's "affluent" America tens of millions of people live in great hardship. But to measure the number of poor with any precision is quite another matter, for the tools to do it are lacking at present. One runs immediate, for example, into the problem of definition. "Poor" is a relative term whose meaning varies with time and place: by the standards of the America of 1850 or of Calcutta today, poverty has already been eradicated in the United States. But few present-day Americans would settle for such standards. Neither would they avert their eyes from some rather unseemly statistics: that in March 1964, more than 6 million people live in families whose incomes are so low that they qualify for free food from the Federal Goverment, that 7,300,000 Americans live in housing classified as dilapidated, and that there are nearly 2 million families who scrape by on cash incomes of less than $1,000 a year.

Obviously, these numbers exclude a multitude of shattered lives lived out in fear, boredom, and despair. No effort to play down such hardship is intended here. Nevertheless, the poverty in the United States must be put into some sort of perspective before we can know how to deal with it. President Johnson, declaring all-out war on poverty, speaks of a "forgotten fifth" of the population, and Michael Harrington, in his best-selling book, "The Other America," talks of 40 to 50 million poor—"a fourth of the population." Are those estimates realistic? And what do they mean?

As a glance at the chart [not printed in the RECORD] on the opposite page shows, the low-income segment of the population has shrunk greatly in the last 35 years. Will the decline continue or are we approaching a bedrock of disadvantaged citizens forever condemned to live on the dole? What sort of people now make up the group called the poor? Poverty is not a homogenous phenomenon but a complex of different conditions with different causes, such as school dropouts, racial discrimination, the growing number of old people in the population, the farm problem, and economic stagnation in the Appalachian Mountains. Each situation may call for a different remedy.

Such figures as do exist contain many surprises. In depressed Harlan County, Ky., for example, half the homes lack inside toilets and many children suffer from malnutrition. But according to a new book by Herman P. Miller of the Census Bureau entitled "Rich Man, Poor Man," 59 percent of Harlan County's families have a car—more than in West Germany—and 88 percent have washing machines. The figures also suggest strongly that most of America's poor are not lazy—the majority work hard for their low incomes—and that they do not like to live on handouts. A study of Federal aid to families with dependent children—a program that mainly assists households in which the father is dead, is permanently disabled, or has deserted the family—shows that even Negro cases are generally closed within 2 years. The U.S. poor are by no means limited to minority groups. While nonwhites, mostly Negroes, make up more than a fifth of the total, the majority of the poor are white Protestants. But these are only indications, not the basic data of poverty.

#### A MAKESHIFT APPROACH

One of the first tasks facing Peace Corps Director Sargent Shriver, recently named by President Johnson to lead the attack on poverty, is to produce some refined data. Such statistics as exist today come primarily from two agencies of the Commerce Department, the Bureau of the Census and the Office of Business Economics. The two work quite separately, and poverty, as such, is not a direct and major concern of either. Their data on income distribution are incomplete and are not directly comparable. The Federal Government has no yardstick of poverty agreed upon among its own various agencies. The Labor Department's Bureau of Labor Statistics once worked out minimum subsistence budgets, but stopped doing it long before World War II. A few years ago it produced some estimates of what sort of pretax income is needed to maintain a modest but adequate standard of living for a family of 4 in 20 key cities. Converted to 1964 prices, these budgets range from about $6,000 a year in Atlanta to $7,000 in Chicago. But this is way above the poverty line by anybody's definition. As the BLS itself takes pains to point out, the figures represent a cutoff point for deprivation, which it regards as the next stage above poverty. The BLS has not worked out the boundary at which deprivation becomes poverty.

The President's Council of Economic Advisers, which devoted considerable space to poverty in its recent economic report, was forced to use makeshift methods to measure the problem. What it did was to select a cutoff line of $3,000 a year for a family and $1,500 for a person living alone—roughly in line with most off-the-wall estimates. Then it applied this quantitative definition to the Census Bureau's population survey for 1962 to see how many people fall below these figures. The answer: between 33 million and 35 million people in 1962 or just under a fifth of the population. But these rough figures include some people who should not be considered poor and exclude millions who probably should be. An elderly couple, living alone in a small town in Ohio in a paid-for house, might manage tolerably well on $3,000 a year. But in a New York City family of eight, living in rented quarters, would be in severe straits even at $4,000 a year. Such figures do not permit an accurate inventory of the Nation's poor. "Refined analysis," the council confessed, "would vary the income cutoff by family size, age, location, and other indicators of needs and costs. This has not been possible."

#### OLD FOLKS AND FARMERS

There is another difficulty. The Census Bureau's annual population surveys—not to be confused with the decennial census—understate family incomes and thus, in effect, overstate poverty. Money income in these interim surveys is underreported by as much as 15 percent; many of those interviewed overlook such things as part-time earnings. Furthermore, the Census Bureau does not include nonmoney income, such as the "imputed rent" that homeowners don't have to pay or the food that farm families can grow for themselves. Such income is only about 3 percent of the gross national product, but the "imputed rent" and food would be a much larger percentage on small farms. Thus the council's roster of poor contains not only too many old people but too many farmers.

The Office of Business Economics, measuring the GNP, tries to include all family income. Using data from Federal income tax returns, it adds in its own estimates of imputed rent and food eaten on the farm. With income thus estimated in full, the proportion of the population below the $3,000 and $1,500 cutoff points shrinks to 15 percent, on the basis of 1961 data. Gone from the total poor are a substantial number of small farmers whose nonmoney income can sometimes exceed $1,000 a year. Some argue that these cutoff points are too low. Unfortunately, the agency's tables are in $1,000 increments, and the next figure of $4,000 may err on the high side. Using $4,000 for families and $2,000 for individuals, the estimate of the poor swells to 23 percent of the population. No serious effort has been made to reconcile the OBE's data with the Census Bureau's.

#### A SLIDING SCALE WOULD BE BETTER

The OBE figures have other defects. For example, they make no provision for variations in the size of families. Instead of a rigid cutoff point of $3,000, a sliding scale might better be set up, that would consider, say, $2,000 "adequate" for a family of two, $2,500 for three, $3,500 for five, and so on. To compute the number of poor in this way, we would have to go back to the Census Bureau data, whose shortcomings have already been noted. Nevertheless, the results are illuminating. Using the same 1962 survey, we wind up with 2,600,000 more poor people than the estimate given by the Council of Economic Advisers. They are not the same collection of people, however. Gone are some 4,800,000 persons in small families, most of them elderly couples and young married people with no dependents. But joining the group are 7,400,000 people in large families, mostly children, making a net addition of 2,600,000.

What about local variations in living costs, which none of these figures allow for? Herman Miller of the Census Bureau has had a go at that problem. In an unpublished study based on 1959 data, he has attempted to take both family size and geography into account. His cutoff points are those used by individual States to determine eligibility for federally aided public-assistance programs. One drawback is that the States do not use standardized criteria for constructing their minimum budgets—some are stingy and others are more liberal. The cutoff points are low in any case, ranging from $1,566 in Arkansas to $2,909 in Maine for a family of five. The result is a rockbottom figure of 23,500,000 poor, or 13 percent of the population in 1959. Miller himself, who concedes

that all poverty yardsticks are arbitrary, nevertheless believes these figures understate the problem.

No wonder all sorts of figures are being tossed around in the poverty discussion. They do not necessarily conflict; they are based on different definitions. Several years ago Robert J. Lampman of the University of Wisconsin, in a study for the Joint Economic Committee of the U.S. Congress, showed that the number of poor might range between 9 and 36 percent of the population, depending on which assumptions and definitions were used. Lampman settled for 19 percent, and most current estimates cluster around this figure.

None of the figures given thus far tells us how many people were only temporarily poor at the time the count was made. Some family incomes, because of the father's prolonged illness. may dip for a year below the poverty line and then return to the previous level. A 1959 study by the University of Michigan's Institute for Social Research suggests that most—but not all—of the poor have always been poor. Some 60 percent of the poor families who responded to the question said their income had never exceeded $3,000, and only 14 percent had ever earned more than $5,000.

WHY THEY ARE POOR

If we assume that something approaching a fifth of the population is poor, then the next question is, Who are these people and what are their prospects? Relying mainly on the Council of Economics Advisers figures—but making adjustments where necessary in view of their imperfections—we can list the main causes of continued poverty in the United States. For simplicity, most of the data refer to the seven-eighths of the poor who live in multiperson families. The numbers add up to more than 35 million because most poor people have more than one handicapping characteristic. In order of importance, they are:

Low educational level: Some 61 percent of the Nation's poor families, with about 21 million people, are headed by people who did not get beyond the eighth grade. For the population as a whole, only 35 percent fall in this low-education group. These ill-equipped breadwinners must compete for the dwindling portion of unskilled, low-paying jobs.

Residence in the South: With 30 percent of the country's population, the South, despite its recent strides, still contains 47 percent of the country's poor. Out of 3,072 counties in the United States, 648 have median family incomes under $3,000 a year—and 90 percent of the 648 poor counties are in the South or in adjacent areas such as southern Missouri. The Appalachian region, much of which lies in the South, contains 15 million people, of whom 5 million are classed as poor.

Residence in rural areas: Despite the decline in the farm population, there are still 1,500,000 families, with perhaps 6 million people, living on marginal farms with cash incomes under $3,000 a year. This overstates rural poverty somewhat because, as already noted, it does not take into account nonmoney income. In addition to the poor classed among farm families there is a large group of nonfarm families who live in rural areas, some of whom work on farms as hired hands. Approximately 27 percent of America's nonfarm rural families, containing about 9 million people, fall below the poverty line. The figure includes virtually all of the country's migratory farmworkers and their families, or about 2 million people—a figure that, incidentally, has remained fairly stable in recent years.

Race and discrimination: According to the Council of Economic Advisers, 44 percent of the country's nonwhite families, with about 8 million people, are poor. Most of these people are Negroes, but the figure also takes in the majority of the country's 552,000 Indians, particularly the two-fifths who live on reservations. In the latter, the unemployment rate typically runs between 40 and 50 percent.

Old age: In 1900 only 4 percent of the population was 65 or older. Today the figure is 9.2 percent and creeping ever higher. Thanks to social security and other income sources, an increasing number of these old people live apart from their grown children. In 1961 some 78 percent of them maintained their own households compared with only two-thirds a decade earlier and a far smaller portion in the depressed 1930's. By the $3,000 annual-income yardstick, 47 percent of the families headed by a person over 65 are poor. If the poverty line is lowered to $2,000 only 27 percent of these elderly couples, or about 4,500,000 people, would fall in the group considered poor. If unattached individuals with incomes under $1,500 are added in, the total number of aged poor would be about 7 million.

Broken homes: When a father dies or simply runs away, the family can sink below the poverty line almost at once. Only a tenth of the Nation's families are headed by women, but 48 percent of those, by the Council's reckoning, have incomes under $3,000 a year. About a fourth of the Nation's poor live in such homes.

Early marriage: Not only are old folks splitting off from their families, but young people are doing so, too, by marrying earlier. Families headed by a person under 24 years old are still not large in number, but some 31 percent of them, with perhaps 2 million people, are classed as poor. This probably overstates the problem because many of them have no children and, unlike the aged, can look forward to higher earnings in the future. A significant minority, for example, are undergraduate and graduate students whose poverty, one supposes, is temporary.

Unemployment: Surprisingly, this ranks low on the list of poverty's causes. Only a sixteenth of the pool families, with perhaps 2 million people, were headed by an unemployed person in 1962. Indeed, only a third of all U.S. families with unemployed heads are classed as poor in the Council's figures. These figures provide dramatic evidence of the temporary nature of most U.S. unemployment and the contribution made by working wives and unemployment insurance. But the statistics are not so comforting as they seem. The poor make up the bulk of the hard-core unemployed, whose unemployment benefits have run out. And the Council's figures, because they include too few large families, unquestionably err on the conservative side. A more important contributor to poverty is underemployment—the low productivity of marginal farmers, for example, and the sporadic nature of many jobs held by unskilled workers. But statistics on underemployment are very sketchy.

IN BRITAIN 75 PERCENT ARE "POOR"

If nothing else, the figures above on the various categories of the poor refute the notion expressed in John Kenneth Galbraith's book, "The Affluent Society," that poverty is no longer general in America but is limited to "insular" and "case" poverty—i.e., depressed areas and handicapped persons. Galbraith used a cutoff figure of $1,000, which is way too low. When a higher poverty line is used, some poverty turns up in almost every area of the country.

In another sense, though, Galbraith is quite right. Poverty is no longer the basic human condition in America, as it has been throughout most of human history. As late as 1929, two-thirds of Americans would have been called poor by definitions now in use. And even in 1929, it should be remembered, America's living standard was higher than Western Europe's is today. If the $3,000 yardstick were applied to present-day Britain, for example, three-quarters of the population would be considered poor.

Economic growth has been the main force lifting over a third of the citizenry above the poverty line since 1929. Measured in constant dollars, average family income after Federal taxes has risen more than 50 percent in the last 35 years. The growing number of working wives has helped somewhat, since more families now have two wage earners. These two factors together are much more important than the "redistribution of income." As to the latter trend, studies have shown that the poorest two-fifths of the country's "consumer units," after payment of Federal taxes, got 16.5 percent of total family income in 1961 compared with only 12.5 percent in 1929. (Consumer unit is a term that embraces both multiperson families and persons living alone.) The welfare state has also played a role. Transfer payments of all types, primarily from social security and public assistance programs, have risen to 6 percent of the GNP from only 1 percent. While small in the aggregate, these now account for 43 percent of the income of the poorest fifth of consumer units.

What of the future? Most forecasts based on recent trends suggest a slowdown in the rate at which poverty is being reduced. Between 1947 and 1962, the Council of Economic Advisers says, the percentage of poor families in the population—leaving aside individuals—declined from 32 percent to 20 percent. However, three-quarters of this shrinkage took place prior to 1957, and since then the decline has slowed to about half a percent a year. Slower economic growth and higher unemployment are chiefly to blame, says the Council, which warns that "if the decline in poverty proceeded at the slower rate achieved from 1957 on, 13 percent of our families would still have incomes under $3,000 in 1980." For this reason, it says, new antipoverty programs are needed. "We cannot leave the further wearing away of poverty solely to the general progress of the economy."

FEWER DROPOUTS

This type of forecast is subject to all the inherent weaknesses of numerical projections. A better idea of what lies down the road can be gained by looking at poverty's separate causes as given above. While such an approach doesn't necessarily refute the slowdown hypothesis, it indicates that we are nowhere near bedrock yet and that a lot of favorable trends will continue to thin the ranks of the poor even if no new Government programs are started.

The biggest single cause of poverty, as already indicated, is the lack of a high school education. But the U.S. population is becoming better educated all the time, and the trend will continue. Today 66 percent of schoolchildren get through high school, twice the proportion of a generation ago. Even Negroes, who suffer from environmental handicaps that dull the incentive to learn, are raising their educational level somewhat. This is true particularly in the North. In New York City, for example, the average adult Negro male has had 9.5 years of schooling, only a year less than his white counterpart. All but about 3 percent of the population—the mentally retarded portion—is theoretically educable through high school, and there is no reason to believe that the percentage of dropouts will not continue to decline toward this figure.

The South, where so much of U.S. poverty is concentrated, will continue its advance. According to the Council of Economic Advisers, 49 percent of southern families were poor in 1947, but by 1962 the figure had fallen to 32 percent. Rural poverty, in the rest of the United States as well as in the South, should continue to decline, too, mainly from the closing of marginal family-type farms. The number of farm-operator families in the United States declined from

6,500,000 to only 3,200,000 between 1947 and 1962. Curiously, the percentage of such families below the poverty line has remained fairly constant—it is now about 43 percent—but even if this ratio stays the same, the absolute number of poor farmers will drop. As for southern farms, the National Planning Association, a nongovernmental group, has forecast that another third of the South's farm operators, most of them poor, will get out of agriculture by 1975.

THE NEGRO'S STEADY ADVANCE

Even the racial problem, another of the main causes of poverty, gives some grounds for optimism. In one sense, the Negroes appear to be getting nowhere. In 1949, according to census figures, the average male Negro earned 53 percent as much as a white male. Ten years later, following a narrowing of the gap during the Korean war boom, he was slightly worse off, with only 52 percent (the gap, it should be noted, is narrower in the North). Nevertheless, the absolute growth in pay has lifted most Negroes above the poverty line in the last 5 years. In 1947 two-thirds of nonwhite families were poor; by 1962 the figure was down to 44 percent. Much of this reflects continued migration out of the South, where 60 percent of the Negroes still live—a trend that will continue. And Negroes will stay in school longer because education pays. This is true even though a college-educated Negro stands to earn no more during his lifetime than a white who stopped at the eighth grade—a stark measure of discrimination's penalty.

Some of poverty's causes, to be sure, may remain just as persistent in the years ahead. No one can predict, for instance, that the percentage of broken homes will decrease. The portion of the population over 65, which has a high incidence of poverty, will continue to grow. But in both these cases there are alleviating factors. As to broken homes, the average monthly payment under the aid to families with dependent children program (AFDC) has nearly doubled since 1939 in terms of 1961 dollars. Many mothers of broken families work, and rising wages should help them. As for the aged, many are poor because, as Michael Harrington points out, they are not covered by social security. Legislation already on the books will improve this situation considerably. Currently, more than 90 percent of the labor force is covered, and the number of retired workers receiving payments will climb toward this figure in the decades ahead. Meanwhile, social security benefits, including minimum benefits, are being liberalized. Even when figured in constant prices, the average payment of $127 a month to a retired worker and his aged wife is now 66 percent higher than in 1940. Ironically, it is just this increase in benefits and in other income that has tended to swell the statistics on "poor" elderly people. When they stayed with their children in homes with substantial incomes, the aged were not counted among the poor. But when they moved out and tried to maintain a household on less than $2,000 a year—more than they have received before—they became "poor," statistically speaking, even though a separate residence represents a rise in their living standard. Unquestionably, many aged live in dire straits, and these will be chronic welfare cases. But the group as a whole, as a 1963 report by the President's Council on Aging conceded, has scored "astonishing" gains in the last decade.

For most of the poor, however, the future is somewhat bleak. For example, they can expect little help from any further leveling of incomes. For the bottom two-fifths of the country's "consumer units," the social revolution largely ended with World War II. The poorest fifth's share of total family income, for example, is 5 percent—about the same as in 1944. The redistribution of incomes in recent years has mainly benefited the middle income groups at the expense of the topmost twentieth of the population.

Some major uncertainties cloud the future, too. Because of automation, the proportion of unskilled jobs in the labor force is shrinking. It remains to be seen whether the number of high school dropouts competing for these jobs will decline as fast. Thus, a race is on between two important trends, automation and the rising level of education. Poverty will be reduced only if the latter trend keeps ahead of the former—only if a growing proportion of the country's youth receives enough schooling to be employable, at adequate wage levels, in an increasingly technological era.

There is another imponderable: the rate of economic growth in the years ahead. More education will lift Americans out of poverty only if there are more skilled job available. For even skilled jobs are being eliminated in many industries by rising productivity and automation. With fewer workers needed to produce the same output, total production must grow fast enough to absorb workers replaced by machines and simultaneously to provide new jobs for the growing numbers of youth now entering the labor force. Growth is also essential if the migration to cities from poor rural areas is to reduce poverty. Without it, marginal farmers who move to cities will find only low-paying jobs, or no jobs at all.

The figures on poverty raise a number of questions of future public policy, particularly in such matters as aid to depressed areas, minimum-wage legislation, and Federal aid to education. About a third of the people in the Appalachian region are poor, largely because of declining employment in coal mines and farming. Industry should be brought in, but poor roads have discouraged industrialization, especially in southern Appalachia. Should the rest of the country be taxed to build better access roads into this rugged area? Or should we simply let present trends run their course? The Appalachian problem, after all, is slowly being "solved" by out-migration; some 2 million people departed from the region in the last decade. And some industry has moved in, enough to hold the decline in jobs to 1 percent. But this is slow progress indeed, if it can even be called that. Meanwhile, the Federal Government is spending large sums merely to alleviate distress in the area. Subsidized economic development might cost taxpayers less in the long run.

A HIGHER WAGE FLOOR?

Some argue that a lot of poverty could be eliminated overnight if legal wage minimums were raised or if the Federal minimum-wage law were extended to the 16 million workers not covered by it. The latter step alone, it is sometimes said, would pull some families with two wage earners above the poverty line even though the present minimum of $1.25 an hour works out to only $2,600 a year. The pitfall in this argument is a good example of the damage that can be done by oversimplified remedies. Many people are poor simply because their unskilled services are not worth much in the labor market. Tampering with the market mechanism by raising their wages might merely speed up the replacement of unskilled labor by machines. Thus, extending the coverage or raising the floor of minimum wages might spread poverty rather than reduce it.

Finally, education: More than anything else, a look at the poor argues for more spending on public education. It is distressing enough that the average migratory farmworker earns less than $1,000 a year from all sources. But is the berrypicker's son to be condemned to a similar earning level? The long-range hope of drastically reducing poverty can be expressed by saying that extraordinary efforts should be made to see to it that the children of the poor get much better educations than their parents. Thinking along this line, some observers argue that more should be spent per pupil in poor communities than in the rich suburbs—the reverse of the present situation—to lift the horizons of poor children and enable them to compete on a less unequal footing. Given the decentralized character of U.S. public education, economic inequality is compounded by geographic inequality. Many poor children are concentrated in school districts with a low tax base, and many of the poor school districts, in turn, are in States that cannot afford to give these communities enough aid to overcome this handicap. Federal aid to education is a major proposal in the Johnson administration's antipoverty program, but most Federal programs proposed in recent years call for aid to all schools. It would be politically difficult to induce Congress to concentrate Federal funds for education in the 648 U.S. counties where the median family income is under $3,000 a year.

Whatever the answers, it is clear that stamping out poverty is not a simple matter. The country cannot, for example, merely allocate $11 billion a year, the sum now needed to raise every family's income to $3,000. Even if the funds could be distributed equitably, they would not enable poor families to work their way out of poverty, and thus to contribute to the national economy by their increased productivity.

THE 50-CENT DIET

The prospect, nevertheless, is that poverty will continue to decline, though perhaps at a slower rate than in the past. The millennium, when nobody is defined as poor, may never be reached however, for society will continue to upgrade its definition of poverty. Back in 1909 the BLS figured out a "minimum standard of living" for a cotton mill worker's family in Fall River, Mass. In today's prices, it works out to about $1,000 a year. By 1923 the "poverty level" for a five-person family was estimated by the same agency at about $1,900 a year—also in today's prices. The 1964 poverty line, as defined by the Johnson administration, is about the same as the "deprivation" line of 40 years ago. And the deprivation line is moving up, too. The BLS boosted its "modest but adequate" budget for a New York family by 28 percent, in constant dollars, between 1947 and 1959. It is still possible to construct a budget like the 1909 one. The Department of Agriculture, for example, figures that an adult male can get a balanced diet for only 50 cents a day by eating mainly dried beans, reconstituted dried milk, and potatoes. But nobody today would consider such a budget adequate—and this is perhaps just as well.

If things have improved so greatly, why did the United States recently become excited about poverty, even before Lyndon Johnson declared war on it? One reason is that poverty is now seen as a "problem"—i.e., something that can be solved, rather than an ineradicable condition of human life. "Suddenly," says Herman Miller, "we seem to have it within our means to eliminate it completely."

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## TECHNICAL ERRORS IN FARM BILL

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FINDLEY. Mr. Speaker, one of many reasons why the House should have the opportunity to debate and amend the wheat-cotton bill, scheduled for consideration the week of April 6, is the need to correct technical errors in the language of the bill.

Unfortunately, the House will not have the opportunity for amendment, due to the restrictive character of the rule on the bill. Therefore, the only wise course of action is to reject the resolution, in the hope that this action will result in a rule permitting amendment of the wheat title.

On page 44 of the Senate report, section 379B, italic language after brackets, provides the formula for determining wheat marketing allocation for each farm. This provides basis for determining eligibility for the certificates.

The formula is made effective for the 1964 and 1965 crops.

The formula uses the national marketing quota proclaimed for the 1964 crop for both 1964 and 1965.

Defect No. 1: No provision is made in the bill to adjust the national marketing quota for the 1965 crop. So far as I can determine, no other provision of law would permit the Secretary to issue a new national marketing quota. As the bill is now written, the Secretary would be obligated to use the national marketing quota proclaimed for the 1964 crop as the basis for administering both years. Obviously this is an oversight and should be corrected in the bill. The rule granted for this bill should permit an amendment to correct this error.

Defect No. 2: As the bill is now written, farmers could get an unintended windfall, at taxpayers' expense, amounting to 10 percent or more of the value of the certificates. Here too, I believe this is an oversight. It should be corrected by amendment, and the rule should permit a corrective amendment to be offered on the House floor.

Here is how this windfall could occur.

Under section 379B, the Secretary must establish the wheat marketing allocation for each year on this formula: The wheat used for food products for consumption in the United States plus that portion of the wheat exported as wheat or wheat products on which certificates are to be issued:

[In million bushels]

| | |
|---|---|
| A fair figure for food products for consumption in the United States | 500 |
| A fair figure for certificate wheat and certificate wheat products for export | 600 |
| Total | 1,100 |

The Secretary is then to establish the national allocation percentage for such year by dividing the national marketing quota proclaimed for the 1964 crop—which is 1.22 billion bushels—by the national marketing allocation—above, less the expected production on noncompliance acres:

[In million bushels]

| | |
|---|---|
| National marketing figure | 1,220 |
| Less noncompliance production (a low estimate, actually) | 220 |
| Total | 1,000 |

The 1.1 billion bushels is 110 percent of 1 billion bushels.

Therefore, each farmer in this case would be entitled to certificates amounting to 110 percent of his normal wheat production.

Here is how this would work on a typical farm:

[In bushels]

| | |
|---|---|
| Acres allotted | 100 |
| Times average yield per acre | 25 |
| Total | 2,500 |

The law says multiply this by the national allocation percentage for such year. If it comes out 110 percent, as it very likely would, then this farmer would get a 10 percent bonus, or 2,750 certificates, despite the fact that he produced only 2,500 bushels.

This formula was not in the certificate plan rejected last May by the farmers. Why was it put in this time? Is it a technical error?

It may possibly have been put in intentionally to leave room for windfall payments—reminiscent of the phantom acres involved in the 1961 feed grains program. These phantom acres were expensive for the taxpayers. They came about because the Department of Agriculture, under an administrative regulation, decided not to squeeze all the water out of the base acre figures for 1959 and 1960, but simply to squeeze the water out down to the 105-percent level.

If this fancy formula is intended to permit a windfall, it at least should have a ceiling written into the bill. As it stands now, the formula could easily result in a 120 percent figure, or even higher.

Definitely, this section needs corrective amendments.

## FREEDOM COMMISSION AND ACADEMY

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, Dr. Lev E. Dobriansky, of Georgetown University, is an international authority on communism and devotes a major share of his time to leading a crusade against Communist imperialism. Dr. Dobriansky, as chairman of the National Captive Nations Committee, has been in the forefront in an effort to alert the citizens of the United States to the growing danger of the international Communist conspiracy.

Recently, he appeared before one of our distinguished committees—the House Committee on Un-American Activities—to testify in favor of the creation of a Freedom Commission and the establishment of a Freedom Academy.

Since Dr. Dobriansky holds a preeminent position in the ranks of anti-Communist, pro-free-world leaders, I believe his remarks take on special significance:

TESTIMONY ON FREEDOM COMMISSION AND ACADEMY

(By Dr. Lev E. Dobriansky)

Mr. Chairman and distinguished members, my name is Lev E. Dobriansky. I am a professor of economics at Georgetown University and am also privileged to serve as the president of the Ukrainian Congress Committee of America and chairman of the National Captive Nations Committee. I was formerly a faculty member of the National War College and have been a lecturer at many of our service schools.

At the outset of my formal statement I express my deepest appreciation for this opportunity to testify on the five resolutions calling for the creation of a Freedom Commission and the establishment of a Freedom Academy. Both for the organizations I head and for myself, we are in complete favor of the passage of this extremely important measure that all five resolutions substantially embrace. The tremendous and pressing need for this independent agency and the special educational institution cannot be too strongly emphasized.

In order not to duplicate some of the thoughts and ideas of other proponents of the measure I should like to develop somewhat unfamiliar avenues of reasoning that justify the existence of a Freedom Commission and Academy. For your studied consideration and also in rational support of the affirmative position taken by us on this far-seeing measure, we offer the following concise observations, all of which can be readily and extensively documented:

THE PERMANENT COLD WAR

1. The necessity for the passage of this measure is inextricably tied up with the basic issue of the very survival of our Nation. This statement is no exaggeration. When one soberly considers how much has been lost since World War II, he can with considerable validity caption his thoughts with the constant and foreboding question "Who's next in the long string of captive nations—South Vietnam, Laos, Venezuela, Zanzibar?" The pessimistic overtones of this gnawing question, which will be answered in the latest chapter of our cold war failures, particularly with regard to the Russian base of global cold war operations, need not, of course, be accepted for the long future. But in our present state of free world cold war disintegration who can reasonably deny that it rests on firm grounds of near probability?

Had we over 10 years ago in operating existence what is sensibly designed in these five resolutions, we as a nation would have maintained our clear-cut superiority in world leadership without the phantasms of a Soviet Russian contender. Lest we be mistaken, this is not entirely an observation from hindsight, even though such an observation should in itself draw respectful attention. The plain fact is that the fundamental nature of the imperialist Soviet Russian enemy had been clearly revealed many, many years before the outbreak of hostilities in 1939. Those of us who understood this and advocated a policy of liberation at the beginning of the 1950's, were in truth proposing the development of a cold war strategy to defeat the Russian enemy in the only area he's capable of winning, that of paramilitary conquest. Regrettably, even those who gave official lipservice to the policy of liberation failed to understand what it meant in essence and content.

Hampered by all the trimmings of a cultural lag, over 10 years later this measure still points to the most essential course open to us in combating successfully and decisively the propagandistic, psychopolitical, conspiratorial, and subversive inroads made

by Moscow in the free world. In fact, it is hyperessential today; more than it was over a decade ago when we enjoyed complete military superiority, air supremacy, and atomic monopoly power. With the relatively declining long-run importance of military might and power as our chief source of deterrence against both the further expansion of Moscow's empire and the horrendous outbreak of a global hot war, the critical area of the foreseeable future will be that of vigorous and imaginative cold war activity. The sheer adequacy of imperial Russian arms and industrial capacity has produced a formidable power of influence that shifts the points of comparative advantage to operations within the cold war area.

Vested with complete futural significance of the most crucial sort, the measure under consideration here aims to equip us with the necessary means of coping adequately with the devious cold war operations of Moscow and now also Peiping, twin sisters in established imperio-colonial practices. These practices include a whole range of psychopolitical infiltration and subversion, from which no sphere of human existence is excluded, even entailing "peace," "peaceful coexistence," "disarmament," "lessening of tensions," "coexistence or codestruction," and other Russian cold war shibboleths. In short, it is an illusion to believe that so long as the Russian and Chinese imperial systems continue to exist, the cold war could be terminated by trade, appeasement, wishful thinking about "mellowing processes" and even the self-disintegration of the captive world. The long truth is that the cold war is an institutional coefficient of these systems. The sooner we come to grips with this fundamental truth, the sooner we'll be contributing to our own survival.

THE ENEMY IN HISTORICAL PERSPECTIVE

2. The passage of this measure and its full realization would at long last make possible concentrated studies of Russian cold war operations in terms of indispensable historical perspectives which would deepen our insights into the basic nature of the enemy. Careful analyses along these and primarily substantive lines would reveal that what we classify today as Moscow's cold war techniques and methods are essentially traditional to totalitarian Russian empire-building. Contrary to general opinion, they are not the created products of so-called Communist ideology and tactics. Except for accidental refinements and considerable technologic improvements, many of the techniques manipulated by the rulers of the present Russian Empire, and also applied by their Red Chinese competitors, can be systematically traced as far back as the 16th century. Indeed, over a half century before Marx, the Russian ambassadors of Catherine the Great utilized class division techniques to prepare for the partitions of Poland. Countless other examples of striking comparative worth and value can be cited.

In a real sense, such specialized studies conducted by an independent agency set up to concentrate on political warfare stand to have more comparative value for our national security and defense than literally the billions spent on military hardware and economic foreign aid.

These fashioned techniques and methods of Moscow are relatively new to us because of our historical unfamiliarity with them. Yet, significantly, they are old and tried to all the captive nations in Eastern Europe, in the U.S.S.R., in and about the Caucasus, and central Asia. In sharp contrast to the ways and means of past Western imperialism and colonialism that throve on oversea possessions, the methods of Russian imperio-colonialism were forged to extend an overland empire, with all their borderland implications. By these methods and techniques an unprecedented empire was built over the centuries and revived and enormously expanded by the present Soviet Russian rulers.

Of conspicuous note concerning the past as well as contemporary Russian expansion in power, control, and influence is the outstanding fact that the polyglot, multinational military forces under Moscow played essentially a secondary role. With patience and in time, the primary role has consistently been played by Russian conspiracy, propaganda, and subversion. And this includes our latest period, from World War II to the present, with Khrushchev as the master player in this. Our understanding of these Russian cold war operations as pursued by tyrannical Russian rulers over the centuries is indispensable to adequate preparations and ability on our part to cope with phenomena of intensive revolutions and conquests from within in independent and also emerging states and nations of the free world. Here, too, in short, we are confronted by a cumulative experience not of only 47 years but rather of centuries, and the Soviet Russian heirs of this experience possess an enormous advantage that few of their predecessors had—that of technology and science. The objectives envisaged by the five resolutions point in the direction of such major study. Along these lines there is a terrible gap in our knowledge, both in the official and private sector; indeed, even rudimentary facts about the chief enemy are not properly understood or even known—again, in many official and private quarters. This is of obvious, gratuitous advantage to Moscow's pol-war experts.

SOME CONCRETE CASES OF WON OR LOST OPPORTUNITIES

3. In the light of swift-moving developments in the past decade and more, this measure and its passage are actually long overdue. The essential ideas of this measure were approvingly considered by the Select House Committee To Investigate Communist Aggression some 10 years ago. It is noteworthy that through this committee Congress made its substantial contribution to our developing knowledge of the imperialist Soviet Russian menace. It was at the initiative and by the vision of Congress that this tremendous stride was made.

Now, the present resolutions in more elaborate and adequate form crystallize the thoughts and vision of the many who have given serious consideration and study to the nature and scope of cold war operations under the contrived conditions of neither peace nor war. Based on much precedent thought and the intensive investigations of previous congressional committees, the embraced measure promises to lay the necessary foundations for us to meet intelligently and competently the cold war thrusts and maneuvers of Moscow and Peiping.

The spectrum of cold war ideas and engagement is a most extensive one. However, let me briefly cite a few concrete examples in which congressional initiative, as against routine executive inertia or myopia, contributed to our cold war posture. One, in 1958, if Congress hadn't acted in time, the vital VOA non-Russian language broadcasts into the Soviet Union would have been systematically eliminated, much to the satisfaction of Moscow. Two, the passage of the Captive Nations Week resolution in 1959 demonstrated to the world how deeply vulnerable Moscow is with regard to the captive non-Russian nations in the Soviet Union alone. The typical, mythical image that millions throughout the world have of the Soviet Union could be easily transformed if we even began to implement that resolution. On this I should like to submit as part of my statement an article on "The Next Move" which appeared in the January 6, 1964, issue of the American Security Council Washington Report.

A third example, which most of our people are unfamiliar with, concerns Congress passage of legislation in 1960, providing for the erection in our Capital of a statue of Taras Shevchenko, the Ukrainian poet and freedom fighter. The ramifications of this action would amaze any close student of cold war operations: In 1961 we thwarted Moscow's perversion of this historic figure and just a few months ago, given what they considered an opening wedge provided by several obtuse editorials of a local newspaper, Moscow and its puppets slickly attempted to destroy the project here. On this seemingly minor action I should also like to submit as part of the record this recently published booklet, "Shevchenko: A Monument to the Liberation, Freedom, and Independence of All Captive Nations," and a most interesting document distributed by the Russian Embassy to our wire services and newspapers.

Congress cannot, of course, be expected to take such initiative continually along the entire spectrum of commonsense cold war challenge. Some opportunities, as those cited, have been won; there are many that have been lost. In the area of the Olympic games, for instance, which also has cold war significance with the emerging myth of the physically supreme "Soviet man," we again have lost the opportunity of smashing this myth by not insisting that non-Russian participants from the U.S.S.R. be properly identified as representatives of their respective national republics. By no means are all the medal victors Russians. However, as in the last decade, so in this one, Congress can make a monumental contribution to our eventual victory in the cold war by passing this freedom legislation in this session. In brief, it would be creating a sorely needed generator of ideas and proposals along the entire spectrum of the titanic cold war challenge.

INSTITUTIONAL INSTRUMENTS OF ENLIGHTENMENT AND STABILITY

4. Without perhaps incurring the wrath of one of your colleagues, I would say that by analogy the existence of a Freedom Commission and a Freedom Academy is as necessary to our national being today as is the Board of Governors of the Federal Reserve System. In like manner that the latter is purposed to achieve stability and balanced development in our economy, the former would strive to accomplish the same in our undertakings under the indefinite conditions of "neither peace nor war." It is safe to say that because our people have not, by and large, understood the nature, scope, and depth of Moscow's cold war operations, they have been constantly subjected to wide fluctuations of mood and sentiment, giving way at times to dangerous complacency and even seeming indifference toward the vital force of their treasured heritage and values and at other times to near hysteria.

Dispersed and much frittered thinking, as now exists, in cold war dimensions will guarantee a continued instability in popular reactions and a safe passivity in official determinations. With the Russians and Chinese operating in virtually every quarter of the free world, even endemic developments rapidly assume a broad cold war stigma. They require continuous, studied assessment leading to recommendations for not only adequate counteraction but also an effective offensive, and this in the one place that the Russians are most vulnerable; namely, the captive non-Russian majority in the U.S.S.R. itself. The only practical apparatus for this type of concentrated and totalistic thinking is the proposed Commission and Academy, which veritably will become institutional instruments of enlightenment and stability.

ARGUMENT AND COUNTERARGUMENT

5. The argument and counterargument on this most vital issue should receive the most

exacting and scrutinous type of internal analysis. I submit that upon such analysis the negative and inconsistent responses from certain executive agencies to the measure at hand constitute in themselves a negative support of the proposals. Behind the usual verbally graced generalities they reflect an uncertainty of position, misstatement of facts, and an apparent incapacity to grasp the structure of cold war thought, which finds easy confirmation in our record of the past 20 years.

Viewing first the concise positive arguments on the measure, I repeat that to meet satisfactorily the tasks and requirements indicated above, an independent agency devoted exclusively to the content of cold war operation is indispensable. There is no existing agency or department in our Government that is equipped by intent or resources to meet these tasks. No existing governmental body is designed to treat and study Russian cold war phenomena in all their interrelated aspects. Administratively, there is no principle of coordination and integration represented by any body in this intricate and complex field. More, there is no principle of crystallization and conservation of thought represented, as one department vies with another in a "play it by ear" mood to determine whether even food has a cold war weight.

The creation of a Freedom Commission would correct these grave defects and fill in the gaps that currently exist. It would, at long last, provide us with a functioning apparatus, free of the routinous day-to-day operational responsibilities in the existing agencies, to deal with a foremost challenge in a totalistic, continuous, and coordinated way, rather than the piecemeal, sporadic, and essentially defensive ways that have prevailed up to the present. Similarly, there is no educational institution maintained by our Government or any private body that is capable of conducting these necessary and continuous studies and instruction on this new plane of comprehensive cold war thought. The intended Freedom Academy would satisfy this basic need.

Now for the few negative arguments. Over the years we have been told (1) that confusion with and a duplication of work of existing agencies would occur; (2) that the Foreign Service Institute, the National War College, and other public and private institutions already furnish instruction on Communist strategy; (3) that a formulation of cold war strategy and tactics into an "operational science" is a delusion; (4) that training of operational elements (perhaps a dynamic Freedom Corps as against our essentially defensive Peace Corps) should not be publicized; (5) that the Russians would perhaps be disconcerted by what they may regard as a cold war institute and a training course for espionage; (6) that educational pluralism must be upheld; and (7) that we are already making positive progress in economic buildups in the underdeveloped countries and, in the fashion of a passive model, in self-improvement at home.

Taking these major counterarguments in toto, it is evident that their proponents either have no conception of total cold war or, if they do, are desperately seeking any rationalization to safeguard the sanctity of their respective jurisdictions against an inevitable subsumption to the totality of cold war thought and performance. Their first argument is specious because there is much confusion and frittered thought that require integration and rounded consolidation. The second fallaciously magnifies a dearth of study and instruction and indicates in itself a dearth of understanding of what is involved in the freedom proposal. The third argument reinforces this comment. The fourth one is strange for an open society that should never cease in espousing and working for universal freedom. The fifth borders on stupidity. The sixth partakes of philosophical sophistication but, aside from our perilous gap in cold war education, one wonders what happened to pluralism with the new proposal last year of a National Academy of Foreign Affairs, which from all indications would be an egregious and wasteful duplication of existing educational institutions. The seventh point can best be answered by just observing the slow collapse of our policy of patched-up containment as evidenced today in Cuba, tomorrow perhaps in Venezuela, South Vietnam, Laos, or some other point on the terrain of the free world. We have a greater breed of economic determinists in Washington than one could possibly find in Moscow.

In conclusion, the Freedom Commission and the Freedom Academy would become valuable and highly effective media for both our public and private institutions as concerns a general enlightenment and understanding of the constant, dangerous threat that has penetrated the free world. Their very existence and work would bar indifference, complacency, naivete or even hysteria toward this persistent totalitarian peril which is centered in Moscow. Total cold war thought, in our case necessarily oriented toward universal freedom, instrumentalizes everything—diplomacy, economics, science, culture, propaganda (in which we are next to pitiful), the military, even, among many other things in life, athletics—in an integrated, aggregative whole for positive action and successful performance. Moscow has schools for this, and they have not been established for reasons of eternal contemplation. We have no such schools, and to refer to any in this country as comparable to theirs is the height of either ignorance or reckless foolery. In short, the service of the freedom institutions in this specialized, macro-psycho-political field would be in fundamental service to our own survival as an independent nation. On grounds of national survival, we cannot afford to risk the prospects of psychopolitical attrition or isolation as the dikes of patched-up containment begin to fall about the world, not to mention other paramilitary avenues of national reduction.

## "NEUTRALITY" AGAINST RELIGION

Mr. BOW. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JOHANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, in 1920 the voters of Michigan overwhelmingly defeated, in public referendum, a proposed State constitutional amendment which would in effect have abolished all private and parochial schools by making attendance at public schools compulsory.

Two years later, a similar constitutional amendment was adopted in Oregon and subsequently was held unconstitutional by a unanimous, historic decision of the U.S. Supreme Court—as, indeed, it should have been.

As a youth of 15, I attended a public meeting sponsored by opponents of the Michigan proposal. A prominent, brilliant and eloquent hometown attorney from Battle Creek was the principal speaker in opposition. He was the late Hon. Joseph L. Hooper who subsequently served several terms in this House from the Third District of Michigan, which I now have the honor to represent.

I have always remembered a story he told during this address—and I recall it now in connection with the current controversy over the Supreme Court decisions holding prayer and Bible reading in the public schools unconstitutional.

I interject the comment that I am gratified by the recent announcement of the gentleman from New York [Mr. CELLER], the distinguished chairman of the Committee on the Judiciary, that full committee hearings on proposals to amend the Constitution to offset these decisions will begin April 22. I hope these hearings will be exhaustive, that they will evoke the ablest possible presentation of the issues, and that the result will be a proposed constitutional amendment which preserves both our religious freedom and our religious heritage.

According to the story told by my distinguished predecessor so many years ago, it seems there was a man walking down the street carrying a ladder. As he passed another man on the sidewalk he accidentally hit him in the nose with the end of the ladder.

Quite understandably, the man with the nose protested angrily. The man with the ladder said:

> This is a free country, and I have a perfect right to carry a ladder down the street.

The man with the nose replied:

> You are quite right. This is a free country, and you do have a right to carry a ladder down the street. But, let me tell you one thing, my friend: Your freedom ends where my nose begins.

I have recited this personal narrative as a reminder that the struggle for preservation of our religious heritage and freedom is by no means a new one.

And I repeat this simple but pointed story because today, as always, freedom and justice involve the difficult and delicate art of balancing—both in law, in judicial interpretation, and in human conduct—the legitimate but often sharply competing constitutional rights and freedoms of all citizens, of the diverse elements in our pluralistic society, and of majorities and minorities alike.

The matter of prayer and Bible reading in the schools involves not only the proper relationship of government and citizen in the area of religion under our Constitution, but also the protection of the individual, mutual interests and rights of the ladder carriers and the nose wearers.

And let me point out that sometimes it is an aggressive minority which carries the ladder recklessly down the street. Sometimes it is the majority's nose that is the victim of this minority recklessness. We make a mistake if we assume it is always the other way around.

The problem we face today, the concern reflected by many public meetings and by the hundreds upon hundreds of letters I have received, and the mounting national controversy—all are primarily the result of two decisions of the U.S. Supreme Court—one rendered in 1962, the other in 1963.

I want to keep technical details to the minimum so I will simply say that in the first decision the Court held that a prayer recommended by the New York

State Board of Regents and ordered said in a particular school was unconstitutional and banned by the first amendment.

This prayer is as follows:

> Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country.

The second case in 1963 involved a Pennsylvania statute requiring the reading of at least 10 verses from the Holy Bible, without comment, at the opening of public school each day.

In both cases, pupil participation or attendance was voluntary in accordance with wishes of the parents.

In both cases, Mr. Justice Stewart vigorously dissented.

I believe the majority of the Court was wrong in both instances. I concur with the dissenting views of Justice Stewart in these cases. I believe corrective action can and should be taken by constitutional amendment. I propose to discuss the "why" and the "how" of these matters.

Before I proceed to that, however, let me state my position with regard to the Supreme Court.

I profoundly respect the proper constitutional role of the U.S. Supreme Court in our Federal Government.

I agree, however, with certain dissenting members of that very Court that there have been recent instances in which the majority of the Court has exceeded its proper constitutional role and authority.

I believe that in considering needed corrective action, attention should be given not only to possible amendment of the Constitution but also to possible exercise by the Congress of its constitutional authority to limit and regulate the appellate jurisdiction of the Supreme Court. This congressional authority is clearly provided in article III, section 2, of the Constitution.

Finally, I agree with the view expressed by President Lincoln in his first inaugural address:

> The candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

Now I propose to state as briefly as possible three principal reasons why I believe the Supreme Court decisions in the two cases cited were wrong.

First. I believe these decisions involve a distorted interpretation of the first amendment with the result that the Government is made neutral against the free exercise of religion.

Let me read the two, pertinent opening clauses of this first amendment:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

There are two prohibitions contained in this language. They are two sides of the same coin. The first forbids the Government to establish religion—this is the establishment clause. The second forbids the Government to prohibit the free exercise of religion—this is the free exercise clause.

In the simplest terms the Court held that the action of the States of New York and Pennsylvania, respectively, involved Government establishment of religion.

I think this is an exaggerated, tortured application of the establishment clause. I agree with Mr. Justice Stewart when he said:

> I cannot see how an "official religion" is established by letting those who want to say a prayer say it.

In the Bible reading case, Mr. Justice Stewart also said—and I agree:

> In the absence of coercion upon those who do not wish to participate—because they hold less strong beliefs, other beliefs, or no beliefs at all—such provisions cannot, in my view, be held to represent the type of support of religion barred by the establishment clause.

The effect of the Court decision, in my judgment, is to pit the establishment clause against the free exercise clause—with fatal consequences to the latter.

These two provisions, these two prohibitions, were meant to live together, to complement each other. It was not the purpose that one should liquidate or invalidate the other and that, it seems to me, is exactly what these two decisions do.

I differ with the National Council of Churches on many counts, but I heartily concur with one statement in the general findings of last month's First National Conference on Church and State sponsored by that organization:

> The clause of the first amendment prohibiting an establishment of religion must be balanced against the clause prohibiting interference with the free exercise of religion. Any concept of "neutrality" must take into account the proper balancing of the establishment and free exercise limitations.

The effect of the two Supreme Court decisions is, as I say, to make the Government neutral against the free exercise of religion.

I believe these decisions in effect give the establishment clause license to recklessly swing its ladder and hit the free exercise clause in the nose.

I believe these decisions in effect give a protection to secularism, nonreligion, or irreligion which they deny to the free exercise of religion.

To this extent, I believe they disregard the ruling of an earlier Supreme Court decision that—

> State power is no more to be used so as to handicap religions than it is to favor them.

And I believe they disregard the warning given by a distinguished clergyman at the conference I referred to previously:

> The minority must be defended but it can also practice coercion in reverse.

Finally, I believe, to paraphrase another statement of Mr. Justice Stewart, that there is sufficient "inventiveness and good will" to reconcile these two clauses—as they have been reconciled throughout our history prior to these two decisions—and I believe constitutional means can be devised to aid this "inventiveness and good will."

Second, I believe these decisions involve a totally unrealistic, revolutionary, and dangerous disregard of our religious heritage and repudiation of countless practices of the institutions and officials of our Government of a religious character.

Time permits citing only a few examples:

The authors of the Declaration of Independence based the claim to independence itself on religious grounds:

> To assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them.

That was the definition of independence proclaimed July 4, 1776.

As for human rights—civil rights, if you please—it was asserted as a basic premise that these rights derived, not from government, not from the state, not from the actions of man, but from God himself:

> All men are created equal (and) endowed by their Creator with certain unalienable rights.

And then as a final invocation this last sentence from that great document:

> And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

It was in this same spirit of "firm reliance on divine providence" that Dr. Benjamin Franklin rose, during what seemed to be a hopeless and fatal impasse in the deliberations of the Constitutional Convention, to propose a resort to prayer for the guidance of divine wisdom.

The Northwest Ordinance provided—and these words have traditionally been repeated in the constitution of Michigan:

> Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and means of education shall forever be encouraged.

The very First Congress which wrote the First amendment provided for Chaplains in both Houses and in the armed services. The President issues religious proclamations. The Bible is used for the administration of oaths. We still have—for a while at least—the official avowal, "In God We Trust." The words "under God" were added to the Pledge of Allegiance, by act of Congress.

As Mr. Justice Stewart noted, the Marshal of the Supreme Court:

> Has from the beginning announced the convening of the Court and then added "God save the United States and this honorable Court."

The national anthem—until or unless expurgated by judicial decree—still contains the words:

> Blest with vict'ry and peace may the heav'n rescued land
> Praise the power that hath made and preserved us a nation.

And also the line:

> And this be our motto—"In God is our trust."

I could add much to these illustrations of the historic intermingling of religion—in our great documents, in official acts and institutions, and in the traditions of our people. But I think I have made my point.

The two Supreme Court decisions, I repeat, have recklessly disregarded this heritage. That, I hold, is completely wrong.

Third. I believe these decisions, if permitted to stand uncorrected, make inevitable far more radical, revolutionary, and disastrous violation of our religious heritage and reversal of our religious traditions.

Already there exists militant and well-publicized advocacy, agitation, and litigation, demanding vastly expanded application of these Court decisions and the principles implicit in them.

Under fire of pending or threatened litigation is our national anthem, the pledge of allegiance, the conduct of school baccalaureate services, religious services at military academies, use of certain historical documents in the schools because of their references to religion or reliance upon God, Easter and Christmas programs in the schools or Christmas displays on the grounds of public buildings, gift distribution of Bibles to schoolchildren, the motto "In God We Trust"—and so on and so on.

New victories for these advocates of the extirpation of religion will undoubtedly bring new and greater demands.

And all, basically, on the grounds cited by Mr. Justice Douglas, that they directly or indirectly involve Government financing of religious exercises.

Enormous aid and encouragement was given to this campaign by the statement of Mr. Justice Douglas in the New York school case:

> The point for decision is whether the Government can constitutionally finance a religious exercise. Our system at the Federal and State levels is presently honeycombed with such financing. Nevertheless, I think it is an unconstitutional undertaking whatever form it takes.

If I may put it simply, and in view of the subject matter under discussion a bit indelicately, this is a proposal and an effort to unscramble scrambled eggs and to totally extract all religion therefrom.

Unfortunately, this is one case in which I believe the effort could be successful and will be successful if not halted by corrective procedures.

One further word. I believe many people support this move under the mistaken impression that they are merely extending and applying the establishment clause of the first amendment.

I think they are wrong, but I respect their sincerity.

But, I believe, there are others—a vicious and dangerous minority—who promote this effort deliberately and maliciously to divide our people, to disrupt mutual tolerance, and to eliminate religious influences and destroy our religious heritage.

There are such people in the world and in this country, as I am sure most Americans are well aware.

What can be done about this whole problem, and what chance is there that something will be done?

I do not propose at this point to suggest the wording of the needed constitutional amendment.

I do suggest that its basic purpose must be to declare and define the right of individuals to participate or to refrain from participation in prayer and Bible reading in public institutions and the right to make reference to Almighty God in public governmental documents, institutions, and affairs.

I have been flooded in recent months with mail requesting that I sign the discharge petition for the so-called Becker amendment.

This I have not done—and for two compelling reasons:

I am well aware of the deep and sincere interest in this problem on the part of our able colleague, the gentleman from New York [Mr. BECKER]. It is therefore, no reflection upon him or his earnest efforts when I say that I am fearful that his proposed amendment is inadequate in its use of the key word "voluntary." I am concerned that his amendment, if adopted in its present form, could lead to Supreme Court decisions little different than those rulings we seek and need to correct.

It is for this reason that I have preferred the amendment proposed by the gentleman from New Hampshire, Congressman WYMAN, over that of Congressman BECKER—although I do not claim, and neither, I am sure, does the gentleman from New Hampshire [Mr. WYMAN], that his version is the final word.

There is a further, and far more important, reason for my not signing the discharge petition.

I believe a matter as important and complex as a proposed constitutional amendment—and particularly one in this delicate and difficult area—should receive full committee hearings and consideration. This would not be possible if the resolution were brought directly to the House floor by a discharge petition.

As I have said, I was greatly pleased with the recent announcement by the distinguished chairman of the House Committee on the Judiciary, the gentleman from New York [Mr. CELLER], that hearings on this subject will start before the full committee on April 22.

It is also gratifying that in anticipation of these hearings, Chairman CELLER has ordered and there has now been completed a thorough staff documentation of the constitutional, legislative, and judicial history of matters relating to the first amendment and to the subject matter of the currently proposed amendments.

I believe we are now, at long last, on the right track.

I believe we would not have reached that point as soon—if ever—without the dedicated efforts of many deeply concerned citizens.

Naturally, I cannot predict the outcome. But I believe that if the American people continue to express their concern and, more specifically, if they marshal the ablest witnesses and testimony in support of a corrective amendment, success will crown the effort.

Let me not be thought irreverent if I say that it is not Almighty God but we, the people, who stand in need of a champion and of corrective action in the courts and in Congress in this matter.

I am reminded of the delegation of clergymen who called on President Lincoln. As they were leaving, one of their number expressed to the President the hope that the Lord was on his side and on the side of the North. Lincoln replied:

> I am not concerned that the Lord be on our side. My concern is that we are on the Lord's side.

I suggest that Lincoln's words give us the right perspective in this instant matter.

## WHEAT-COTTON AND TOBACCO RESEARCH LEGISLATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from North Carolina [Mr. COOLEY] is recognized for 15 minutes.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

Mr. COOLEY. Mr. Speaker, the House begins tomorrow, on Good Friday, its Easter recess, and many of us will avail ourselves of this opportunity to visit back home with our people, with our constituents who sent us here. We shall be asked many questions about what we are doing in Washington—about matters pending in the Congress. Our people will be giving us their views on these matters.

No doubt the questions and expressions will center upon the three pieces of legislation which are foremost in the public mind, and which will be voted upon immediately after our return from the Easter Holiday.

These measures deal with:

First. Food stamps.

Second. Wheat and cotton.

Third. Research in the area of smoking and health.

All these measures are within the jurisdiction of and have been approved by the House Committee on Agriculture, which it is my responsibility and my privilege to serve as chairman.

Therefore, I feel an obligation today to place at the disposal of my colleagues a concise presentation of the facts about these important pieces of legislation which will be useful in your discussions with your people back home. I shall do this in the order I have listed above, which is the order in which this legislation is likely to be voted upon when we return in the legislative week of April 6.

### FOOD STAMPS

H.R. 10222, the food stamp bill, is an essential instrument in the war on poverty.

It improves, expands and makes permanent the food stamp program that now is operating successfully on a pilot and experimental basis in 43 areas in 22 States, covering some 380,000 persons.

There now are on file in the Department of Agriculture 234 requests for the

program from other localities in many States.

The food stamp program, through the pilot operations, has proved to be the most effective method yet devised to insure that all Americans have the opportunity for an adequate diet.

For many years surplus commodities have been distributed by the Government directly to needy persons. The food stamp program operates through the regular food marketing system.

H.R. 10222 establishes a national policy that, in order to promote the general welfare, the Nation's abundance of food shall be utilized cooperatively by the States, the Federal Government, and local governmental units to the maximum extent practicable to safeguard the health and well-being of the Nation's population and raise levels of nutrition among economically needy households.

Moreover, through this legislation, the Congress finds that increased utilization of foods in establishing and maintaining adequate national levels of nutrition will tend to cause the distribution in a beneficial manner of our agricultural abundance and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food.

Therefore, H.R. 10222 will permit those households in economic need to receive a greater share of the Nation's food abundance.

House approval will send this legislation on to the Senate for consideration.

I am inserting in the RECORD, as a part of my remarks, a more complete résumé of the food stamp bill.

WHEAT AND COTTON

The House on last December 4 passed H.R. 6196, the bill to forestall the ruin of the American cotton industry and to revitalize this industry on which millions of our citizens depend for their livelihood.

Subsequently, the Senate passed this bill, after modifying the cotton provisions and adding a section embracing a voluntary marketing certificate program for wheat.

H.R. 6196 is back before the House, for action upon the Senate amendments.

Upon returning from the Easter holiday the House, after debate, we will vote upon a resolution by which this body would concur in the Senate amendments. A majority vote will send the legislation—H.R. 6196—to the White House whereupon the President will sign it into law in time to be beneficial to wheat farmers in 1964 and to get on immediately with the revitalization of the American cotton industry.

WHEAT

The new wheat program in H.R. 6196 will forestall, without any appreciable cost to taxpayers, a loss of $500 to $700 million to wheat producers in 1964. Such a loss, if not prevented, would be felt throughout the Nation's business community, in terms of income and jobs.

This program will maintain the price of wheat at a level which will not increase the price of bread to consumers.

It will avoid increases in budgetary costs.

It will enable the United States to discharge its responsibilities and realize the benefits of the International Wheat Agreement.

In all respects this wheat program embraced in H.R. 6196 conforms to the recommendations of the President in his message on agriculture, delivered to the Congress on January 31, 1964.

Mr. Speaker, the strength of this legislation is that it forestalls a disaster to wheat farmers, while protecting consumers against any rise in bread costs that may be based on the price of wheat.

The cry of the opposition that this bill levies a "bread tax" is irresponsible and utterly ridiculous. The support for wheat in this bill is about $2 per bushel in 1964 and 1965. The average price support for wheat from 1950 through 1963 has been $1.99. Thus no increase in the price of flour or of bread can be justified by the wheat support provided in this legislation.

When city families purchase bread or prepared cereal products, they pay mostly for processing, packaging, and distributing the product. Very little goes to the farmer for wheat. The pound loaf of bread that sold at retail for an average price of 21.6 cents in 1963 contained wheat having a farm value of only 2.5 cents. Thus an increase of 65 cents a bushel in the farm price of wheat would be required to reflect a 1-cent increase in the cost of a loaf of bread.

Since 1947 the farm price of wheat has dropped 9 percent, while the retail prices of bread, other bakery products, and cereals have increased by 44 percent. In 1947 the farm price of wheat was $2.35 a bushel, and the average price of a 1-pound loaf of bread throughout the Nation was 12.5 cents; in 1963 the farm price of wheat was $1.94, and the average price of a loaf of bread, 21.6 cents.

A more extensive discussion of the wheat program in H.R. 6196 will be inserted later in these remarks.

COTTON

H.R. 6196 will end the two-price system for cotton, in a way that will greatly benefit American consumers, as well as serving to revitalize the cotton industry.

Domestic mills will be able to buy cotton at the world price. They now must pay approximately 8½ cents a pound more than the world price for the cotton that goes into goods sold in the United States.

Cotton again will compete fairly with synthetic fibers.

The competitive position of our domestic mills, against imports of cheap foreign cotton goods, will be vastly improved.

U.S. consumers will enjoy lower prices for American-made cotton goods, at savings amounting to more than $500 million a year, according to competent estimates.

Farm prices will remain stabilized and protected. Farmers will benefit from an expanding use of cotton.

The legislation will protect the livelihood of millions of workers associated with cotton. It will encourage a healthy cotton trade and merchandising system. It will assist and promote an efficient, growing, and prosperous world cotton market.

Mr. Speaker, agriculture is the biggest business in America, in dollar value involved and people employed, and the cotton industry perhaps is the greatest segment of American agriculture, in terms of people. More than 10 million persons are associated with the production of cotton, in ginning, marketing, transporting, milling, and in the manufacture and merchandising of cotton goods. Many others gain their livelihood by supplying the production materials for cotton farmers and the industry generally.

No one crop has a more intimate relationship to the well-being of so many Americans. Moreover, cotton is exceedingly important in this Nation's economic relationship with the rest of the world.

Cotton maintained the financial integrity of the United States among the nations of the world for a century or more prior to World War I. It once accounted for approximately one-third of all U.S. exports, of crops and industrial products combined. It now comprises about 20 percent of all our agricultural exports.

This American fiber now relates directly, through exports, to the flow of dollars back to the United States, amounting in years past to around $1 billion annually—dollars returning home to maintain our Nation's balance of payments and the stability of our gold supplies.

The American cotton industry now is in jeopardy, brought on by a flood of low-priced textiles flowing in from abroad and by the inroads of synthetic fibers. In the best interest of all Americans, the Congress must act to stabilize and revitalize the cotton industry generally.

I am inserting at the end of my remarks a comparison of the House and Senate versions of H.R. 6196 as they relate to cotton.

Mr. Speaker, there is nothing strange, nothing outrageous, about the parliamentary procedure which we will follow in presenting the cotton-wheat bill (H.R. 6196) to the House when we come back after the Easter recess.

The cotton section passed this body in December after a great debate. The voluntary wheat certificate plan has been discussed in Congress for more than 30 years. I remember when I first came here 30 years ago, the wheat certificate plan was then under consideration. That plan has passed this House on at least two or three occasions. It has passed both Houses of the Congress on at least one occasion. It went to the White House as part of another bill which was vetoed by President Eisenhower.

The House is thoroughly familiar with the program involved in the wheat section of H.R. 6196.

SMOKING AND HEALTH RESEARCH

House Joint Resolution 915 calls for a crash program of research into the production, handling, manufacture, and use of tobacco designed to ascertain and preserve the desirable quality factors and characteristics of tobacco products and to eliminate therefrom factors,

properties, or substances which may be detrimental to health.

This resolution has been approved unanimously by the House Committee on Agriculture. It now is in the Rules Committee.

On January 11, 1964, the Surgeon General of the Public Health Service issued a report, "Smoking and Health," presenting statistical studies from which an advisory committee formed the judgment that "cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate."

Cigarette smoking—

The report said:

is a health hazard of sufficient importance in the United States to warrant appropriate remedial action.

Seventy million persons in the United States smoke cigarettes.

House Joint Resolution 915 recognizes that, notwithstanding the report issued by the Surgeon General and irrespective of any repressive measures that might ensue, many millions of people will continue to smoke cigarettes. It acknowledges and accepts a Government interest and responsibility in the health of these people. It is appropriate remedial action.

In public hearings before the Tobacco Subcommittee of the Committee on Agriculture the purposes and objectives of the resolution were supported by the Surgeon General, by the Associate Director of the National Cancer Institute, by the Director of Research and Education of the Department of Agriculture, the Governors and heads of departments of agriculture of the tobacco-producing States, by the spokesmen for general farm organizations, tobacco producers, and the industry entirely, by Members of Congress, and others. The hearings were open to anyone who desired to make a statement and no person opposed the resolution.

House Joint Resolution 915 authorizes appropriation of such sums as Congress from time to time determines to be necessary to carry forward such research. No limitation is placed upon this authority, but actual expenditures will be determined by the Congress through the control of appropriations. Discussions during the committee's studies have indicated that the crash program can be launched effectively by an expenditure of $5 to $10 million.

The Committee on Agriculture, in its report on this resolution, directs the attention of the House to the fact that the Federal Government now collects annually more than $2 billion in taxes upon tobacco products, and State bodies collect another $1 billion in taxes, so that the taxes upon tobacco yield to Federal and other public bodies twice the money each year as our farmers receive from the production of tobacco.

It is the judgment of the Committee on Agriculture that the Federal Government which profits so richly from tobacco could use a very small part, a very infinitesimal portion, of its tobacco revenues to no better purpose than in a program, as embraced in this resolution, to protect the health of those who use tobacco.

AGRICULTURE AND ALL AMERICANS

Mr. Speaker, agriculture is America's greatest success story, before a hungry world. Our farmers have made us the best fed Nation on the face of the earth. Americans pay less for food in relation to their family income than any other people anywhere. In 1963 food costs represented only 18.8 percent of the average family's income, after taxes. This 18.8 percent contrasts sharply with food costs in other parts of the world. By the latest figures available to the United Nations, consumers in the United Kingdom spend 29.5 percent of their income for food; in Russia, 53 percent; in France, 30.6; Greece, 46.3; Italy, 44.7; Yugoslavia, 46.5; Ecuador, 43.8; Japan, 46.9.

The great efficiency of our agriculture, our vast food superiority over the rest of the world, has developed in the years during which the farm program has been in operation.

The American consumer has been the greatest beneficiary of this efficiency and this food superiority.

The farm program, now for a decade, has been under severe attack. The motives behind this assault defy plausible explanation. Nevertheless, the farm program has suffered and now is in jeopardy.

In these circumstances, our farmers now are the least rewarded of all our people by the wealth of abundance they have created. Their income is just a little more than half that of citizens in other pursuits. Many operate on the edge of insolvency and bankruptcy.

Mr. Speaker, in conclusion I plead especially for understanding throughout the Nation that in the cotton-wheat bill we seek to save and revitalize the general farm program, which has meant so much to all America. I salute, Mr. Speaker, the honorable JOHN MCCORMACK, for his long record of support in all legislation and in all matters in the best interests of agriculture, and with his help I predict this House will pass immediately upon reconvening from the Easter holiday the cotton-wheat bill, the food stamp bill, and the resolution for vital research into smoking and health. And now, I wish for all the Members of this body a happy Easter holiday.

FOOD STAMP PROGRAM—RÉSUMÉ OF H.R. 10222

NATURE OF THE BILL

The purpose of this bill is to bring under congressional control and enact into law the rules under which food stamp programs are to be conducted in local areas throughout the country. Since May 1961 food stamp programs have been in operation in several local areas (now numbering 43) under regulations issued by the Secretary of Agriculture pursuant to the general authority of section 32 of Public Law 320, 74th Congress. It would be legally possible to continue the food stamp program under this general authority, at the complete discretion of the Secretary of Agriculture, but the committee believes the better course is to enact H.R. 10222 and provide congressional direction and specific legal authorities for the program. It does not believe that a program of the scope contemplated in this bill should be carried out without specific statutory guidelines and authority. The Secretary of Agriculture has asked for such legislation.

ESTABLISHMENT OF A PROGRAM

Under the provisions of the bill, the initiative and the request for establishment of a food stamp program in any area must come from the agency responsible for administering public assistance programs in the State in which the area is located. That application must include a plan of operation specifying the manner in which the program will be conducted and other relevant data.

Each State is responsible for financing, from funds available to the State or political subdivision, the costs of administering the food stamp program in the local area. These include: Costs of certifying participant households, including interviews and investigations; the handling, storage, and protection of coupons after their delivery to receiving points within the States; the issuance of coupons to eligible households; and the control, accounting, and reporting involved in operation of the program. In order to maintain close supervision over the certifying of households which are not on public assistance rolls, the Federal Government will pay part of the cost of this certification.

The experience of most areas in which food stamp programs are now operating is that the administrative costs to the State and local areas are considerably higher than under a direct distribution program.

The Secretary of Agriculture is the judge as to whether or not the State's proposed plan of operations, conditions of eligibility, etc., are satisfactory. If he finds that they are, he is required to establish the requested program in the designated area if funds are available to do so.

PARTICIPATION

The bill provides that households eligible to participate in the food stamp program "shall be those whose economic status is such as to be a substantial limiting factor in the attainment of a nutritionally adequate diet." Participants are not restricted to those on public assistance rolls and, in fact, in some areas as many as 60 percent of the households participating are not receiving public assistance.

Each State is responsible for the establishment of standards to determine the eligibility of applicant households. These standards are subject to the approval of the Secretary when the area makes its application for a program.

FOOD STORES AND WHOLESALE CONCERNS

When a food stamp program has been approved for an area, retail and wholesale food dealers operating in the area may participate in the program by filing an application with the Department of Agriculture. If the application is denied, the applicant has the right of administrative appeal in the Department and then to either a State or Federal court at the applicant's option.

ELIGIBLE FOODS

Eligible foods are any food products for human consumption except alcoholic

beverages, tobacco, and foods identified as being imported from foreign sources. The bill was amended by the committee to exclude also soft drinks, luxury foods, and luxury frozen foods as defined by the Secretary, as well as imported foods that are identified as such on the package received by the retailer.

HOW THE PROGRAM OPERATES

A member of an eligible household, as defined in the act, applies to his local welfare agency for the right to participate in the food stamp program. The welfare agency determines the percentage of the household's income which would normally be spent for food which can be purchased with food stamps. If the applicant is approved he takes his authorization and the amount of money allocated from his budget for food purchases, and buys his allotment of food stamps at the issuing agency, usually a local bank. An adult member of the household is then authorized to purchase the eligible foods from a participating retail store. The retail merchant deposits the foods stamps in his bank along with his other current receipts and they are credited to his account as a Government check would be, and redeemed through the Federal Reserve System. The merchant may also use the stamps to pay a bill he may owe a wholesaler, if the wholesaler is a participant in the program. The wholesaler would then redeem the coupons through the banking system.

COST OF THE PROGRAM

A comprehensive study conducted by the Department of Agriculture estimated the cost of a national food stamp program reaching about 4 million needy persons, such as is contemplated in this bill, to be about $360 million a year. Discontinuation of the direct distribution of surplus commodities to needy persons covered by the food stamp program would result in a net savings to the Federal Government of at least $185 million, or as much as $280 million a year. The difference in the estimate of savings represents different valuations of surplus commodities owned by the Government. The lower figure assumes no salvage value for surplus commodities; the higher figure values surplus commodities at acquisition cost.

The net additional Federal expenditures required to operate a national food stamp program, therefore, would be at most, approximately $175 million, or as little as $80 million, depending on the valuation placed on surplus commodities now being distributed.

In arriving at its estimates of the cost of the food stamp program proposed in this bill, the Department assumed that the program would be requested by and established in all of the approximately 1,500 counties now receiving foods under the direct distribution program.

HISTORY OF H.R. 10222

H.R. 5733, the original food stamp bill, was introduced on April 22, 1963. Hearings were held on the legislation by the House Committee on Agriculture on June 10, 11, and 12. About 35 of the 40 witnesses, including 15 Members of Congress representing both parties, testified in favor of the food stamp program. At the conclusion of the hearings, it was apparent that there were a number of problems in connection with this legislation and the chairman appointed a special subcommittee headed by Hon. HARLAN HAGEN to redraft the bill. This subcommittee held hearings on August 7, 8, and 15, 1963. Members of the subcommittee also made an on-the-spot inspection trip to Uniontown, Pa., to get a firsthand look at the program in operation. The subcommittee, after making several amendments, voted to report a new bill to the full committee. H.R. 8107, a clean bill, incorporating the subcommittee amendments, was introduced on August 15, 1963. The House Committee on Agriculture held executive meetings on October 30, 1963, and on February 4, 1964, and on that date voted to table H.R. 8107. After further consideration of the food stamp program, amendments were suggested to the bill to further clarify the committee intent and H.R. 10222 was introduced as a clean bill on March 3, 1964. The House Committee on Agriculture met in executive session on March 4, and voted to report the bill, as amended, to the House.

WHEAT

On March 17, 1964, the Committee on Agriculture reported favorably to the House the wheat certificate plan embodied in the Senate amendment to H.R. 6196. Such a plan has a long history of consideration and favorable action by the House and the Congress. Following is a description of the Senate wheat provisions as embodied in the committee amendment to H.R. 9780, the wheat bill reported to the House.

MAJOR PROVISIONS

H.R. 9780 is identical with the wheat section of H.R. 6196 as approved by the Senate.

Following are the major provisions: Voluntary program for 1964 and 1965 crops; use of certificates, to be purchased by domestic millers and exporters, as a means of supplementing the market or loan price received by farmers; no farm marketing quotas or marketing quota penalties and no referendum for 1965; for 1964 producers who voluntary sign up to divert 10 percent below 55-million-acre allotment would receive—

First. Price support loans at level based upon feed value of wheat and world price—about $1.30;

Second. Domestic marketing certificates valued at 70 cents per bushel on their proportion of wheat crop used domestically for food, giving them a total return of about $2 on wheat for domestic food use;

Third. Export marketing certificates valued at 25 cents per bushel on that portion of wheat crop to be exported, giving them a total return of about $1.55 on this portion of their crop; and

Fourth. Diversion payments on 10 percent of 55-million acre allotment. Rate at discretion of Secretary, but likely to be 20 percent of normal yield as in feed grains. Additional diversion up to 20 percent—or acreage to bring total diverted to 15 acres—permissible.

For 1965, the support level and certificate values will be established on the basis of standards in the bill, but would be close to those set for 1964. There also will be the right of substitution of wheat and feed grain acres subject to voluntary participation in each program. This provision could not be put into effect for the 1964 crop due to lack of time.

Nonparticipating farmers free to overplant as they desire. No restrictions, no penalties, no marketing quotas, no price support, no diversion payments, no certificates, and no restrictions on marketings.

All wheat, cooperators and noncooperators, will move freely from producer to user through the normal commercial channels, plus quality premiums, based on a loan of $1.30 per bushel. A cooperator will, in addition, be eligible for certificates as indicated above. USDA will assist producers in marketing certificates required for domestic milling and export wheat.

Basic wheat law remains in effect after the special 1964–65 program except that the referendum for the 1966 and subsequent crops is deferred until August.

THE NATURE AND HISTORY OF THE WHEAT CERTIFICATE PLAN

The basic objective of the wheat certificate plan embodied in H.R. 9780 is to afford farmers an opportunity to receive a fair return for wheat which moves into primary uses—domestic food uses and export—and, at the same time, permit all wheat to move freely on the open commercial market at the secondary use—feed—price.

The basic principles of the plan are not new. They were first introduced in Congress in 1932, were in successful operation for about 3 years in the 1930's, have been embodied in numerous bills in both Houses of Congress since 1950, have been approved by the House and Senate seperately on two occasions, and have been embodied in two bills passed by Congress.

HISTORY

In testifying before the committee in favor of the bill herewith reported, former Congressman Clifford R. Hope, of Kansas, who was twice chairman of the House Agriculture Committee and is recognized as one of the outstanding agricultural statesmen of the Nation, recalled that he had introduced the first such bill in 1932. The bill was introduced at the request of a committee composed of representatives of agricultural colleges in the grain belt and the grain trade.

The principle of domestic allotments was embodied in the Agricultural Adjustment Act of 1933, Mr. Hope recalled, and operated successfully on wheat for about 3 years.

The 1933 act was replaced by the Agricultural Adjustment Act of 1938 which embodied the principle of marketing quotas and commodity loans to support farm prices.

The provisions of this legislation were largely suspended during the 1940's because of World War II and not until 1948 was there need for, and serious consideration of, farm legislation to continue or replace the programs which had existed prior to the war.

The first postwar wheat certificate program introduced in the House was H.R. 7245, by Congressman Lowell Stockman, of Oregon, on February 9, 1950. Congressman Stockman reintroduced his bill in the 82d Congress on January 29, 1951—H.R. 2150.

On June 24, 1954, Congressman Hope introduced H.R. 9680, 83d Congress, which became the Agricultural Act of 1954. It included a domestic certificate plan for wheat almost identical with the bill reported herewith except that certificates were based only on domestic food consumption of wheat—instead of on domestic food consumption and exports at different certificate levels, as in the present bill—and the domestic certificate was calculated to return the farmer full parity for the wheat consumed domestically for food purposes—instead of 80 percent of parity on domestic consumption in the present bill. This bill passed the House on July 2, 1954, but the wheat provision was eliminated in conference because the Senate had not had an opportunity to give full consideration to the domestic certificate plan for wheat, the conference report stated.

On January 20, 1955, Congressman Hope again introduced the domestic certificate plan for wheat in H.R. 2598, 84th Congress. The wheat program was included in H.R. 12 as reported to the House by the Committee on Agriculture on March 10, 1955. It was eliminated from the bill on the floor of the House but was included by the Senate in its amendment to the bill and was retained in the conference report approved by the House April 11, 1956. H.R. 12 was vetoed by President Eisenhower on April 18, 1956.

Immediately thereafter, the wheat provisions of H.R. 12 were reintroduced in the House by Congressmen Hope, Horan, Miller of Nebraska, and Berry.

In the 85th Congress, bills providing the certificate plan for wheat were introduced by Congressmen Berry, Horan, Ullman, Smith of Kansas, Breeding, George, and Albert. The plan was included in H.R. 12954 which was reported by the Committee on Agriculture on June 19, 1958, and which the House refused to consider by rejecting the rule on June 26, 1958.

In the 86th Congress, wheat marketing certificate bills were introduced by Congressmen Berry, Horan, Albert, Breeding, Johnson of Colorado, McGinley, Mrs. May, Ullman, Weaver, Cannon, and Smith of Kansas. By this time although it was apparent both to farmers and to the Congress that the old provisions of the 1938 act were no longer satisfactory for wheat, it had become impossible to consider a long-range wheat program on its merits so that the temporary palliatives of emergency acreage-retirement programs were adopted.

In the 87th Congress again, numerous bills embodying the domestic certificate program for wheat were introduced in both Houses of Congress. The program was included in the Agricultural Act of 1962, but it was on a mandatory basis, with marketing quotas and penalties for overplanting carried over from the 1938 act tied in with the voluntary certificate features of the domestic allotment plan. In the referendum conducted in May 1963, farmers rejected the marketing quota provisions of the 1962 act.

FARMERS DID NOT REJECT CERTIFICATE PLAN

In the May 1963 referendum wheat farmers did not reject the certificate plan. They rejected the marketing quotas which had been carried over from the 1938 act to accompany the certificate plan. It has always been held by proponents of the certificate plan for wheat that marketing quotas are not necessary for its successful operation.

ONE PRICE FOR ALL WHEAT

Those who opposed the certificate plan seek to confuse the issue by calling it a two-price or three-price plan for wheat. This is not true. All wheat produced under the certificate plan will be sold at the same free market price, which will probably be approximately the loan level of about $1.30. Farmers who are participating in the program and farmers who are not participating in the program will take their wheat to the same elevator and will receive from the elevator exactly the same price.

The only difference is that farmers who are cooperating in the certificate program will be eligible to obtain a CCC loan on their wheat at the $1.30 level if the market price happens to be substantially below that and will receive domestic and export marketing certificates. These certificates have no influence, whatever, on the price the farmer receives from the elevator for his wheat. He will receive the same price that the noncooperator receives for his wheat and all wheat, whether grown by cooperators or noncooperators, will move thereafter through commercial channels at the price level established by the commercial market.

The farmer cooperating in the program will receive domestic certificates valued at 70 cents per bushel for his share of the domestic food market and export certificates valued at 25 cents for his share of the export market. The certificates he will either sell at face value to the elevator operator or will turn over to the local ASC office to be marketed for him at their face value. They do not affect the price he receives for the wheat at the elevator in any manner.

THIS IS A VOLUNTARY PROGRAM

If the wheat certificates plan proposed in H.R. 9780 is not a voluntary program, then it is impossible to formulate a voluntary farm program. Under this bill a farmer has three clear choices: (1) He may comply with the minimum provisions of the program, retire 10 percent of his acreage and receive payment therefor, and become eligible for both domestic and export marketing certificates and a price-support loan at the $1.30 level; (2) he may elect to stay out of the program, plant every acre he owns in wheat, and sell it at the local elevator for the same price that cooperators will get for their wheat; (3) he may elect to retire more—up to 20 percent or 15 acres—than 10 percent of his allotment and receive augmented payments for such land retirement. If he is a farmer with less than 15 acres of allotment, he may choose to produce no wheat at all and receive an augmented payment for this land retirement. If this is not a voluntary program then the words "voluntary" and "compulsory" have lost their accepted meanings and no agricultural program which offers a fair incentive to the farmer to cooperate in sound production planning can be considered voluntary.

PROGRAM WILL ENCOURAGE PRODUCTION OF QUALITY WHEAT

The charge that the certificate program will discourage the production of good milling quality wheat—that which is most in demand for flour—is completely untrue. On the contrary, it will do far more than the marketing quota program of the 1938 act, or the present program of no marketing quotas, to stimulate the production of good milling quality wheat. All farmers, both cooperators and noncooperators with the certificate plan, will sell their wheat at the local elevator for whatever the market will pay. For the first time in many years, the price the farmer will receive for his particular outturn of wheat will not be based upon loan levels and quality premiums and discounts determined by the Department of Agriculture, but by the demands of flour millers for various types and qualities of wheat. The farmer, whether he is a cooperator or not, who produces wheat of superior milling quality, will receive a price premium above the $1.30 support level at the elevator and the farmer who produces a low quality wheat will suffer a discount. For the first time in many years, the certificate plan will give full play to the price factors associated with miller demand for quality wheat and premium prices will be reflected, without any Government price-support intervention, directly down to the farmer who grows the grain.

WHAT ALTERNATIVES

H.R. 9780 offers a plan for providing farmers with a fair return for wheat which is consumed for food in the United States without 1 cent of additional cost to consumers or to taxpayers. It is a plan which has been advocated by the outstanding agricultural statesmen of this country for many years, which was once in successful operation but which has been sidetracked while various unsatisfactory alternatives have been tried.

There are two present alternatives. One is to do nothing, pass no legislation. In this event the income of wheat farmers will be reduced in 1964 by an estimated $500 to $700 million under 1963. The only other practical alternative is to adopt the proposal of the chief opponent of the certificate plan, the American Farm Bureau Federation. The essence of the Farm Bureau's proposal is that the Government should rent out of production enough farms—probably as much as 80 or 100 million acres—that farmers would not be able to produce on their remaining acres enough wheat and feed grains to amount to a surplus. This plan would cost the Federal Treasury as much as $2 billion per year. It would bring ruin and desolation to many small towns and rural communities. And there is no assurance whatever that it would work. If the Government rental payments did

not remove quite enough land, the price of wheat would remain at a disastrously low level, and farmers would lose $500 million a year in income in spite of billions in Federal subsidy. If it did work, the price of wheat would, presumably, skyrocket to a level usually associated with a commodity in shortage supply and consumers would pay the bill both in income taxes and in the price of bread and wheat products at their grocery stores.

COTTON

Following is a comparison of the House and Senate provisions relating to cotton in H.R. 6196:

| HOUSE | SENATE |
|---|---|
| *1. Estimated expenditures* | |
| $696 million (without Jones amendment). $614 million (with Jones amendment). | $448 million. |
| *2. Domestic allotment choice plan—1964–65* | |
| Not included. | Farmers who choose to plant only for domestic consumption (about two-thirds of their regular allotment) would receive up to 15 percent higher price support. Such support would likely be effected by making payments-in-kind on normal yield of planted acreage for farmers who did not exceed their domestic acreage allotment. |
| *3. Domestic equalization payment* | |
| Between date of enactment and July 31, 1967, payments-in-kind would be made to persons other than producers in an amount determined by the Secretary to eliminate the inequity of the two-price cotton system. (Jones amendment) | Between August 1, 1964, and July 31, 1966, payments-in-kind would be made to persons other than producers so that American mills could buy cotton at the same price it is sold for export to foreign mills. Between date of enactment and August 1, 1964, payment rate would be determined by Secretary. (Jones amendment eliminated) |
| *4. Payment on inventory* | |
| Payment will be made on raw cotton in inventory on date of enactment. | Same as in House. |
| *5. Base price support* | |
| (a) 1964—30 cents per pound for Middling 1-inch. (b) 1964 and thereafter—support price would be level for previous year adjusted to reflect reductions in the cost of growing cotton except that the maximum for 1965 would be 29½ cents per pound and for 1966 and thereafter, 29 cents. | (a) 1964—same as House. (b) 1965 and thereafter—Secretary would have full authority to set price support at any level between 65 and 90 percent of parity; the same as under current law. |
| *6. Price support for small farmer* | |
| Farmers would receive up to 10 percent higher price support on up to the first 15 bales of each farmer's production. | Under the domestic allotment choice plan farmers would not have to reduce below the smaller of 15 acres or the base allotment in order to receive the higher price support. |
| *7. Cost-cutting research* | |
| Secretary is directed to conduct a special cotton research program to reduce production costs as soon as practicable. For this program, an appropriation of up to $10 million annually is authorized. | Same as House. |
| *8. CCC resale price* | |
| Beginning August 1, 1964, CCC may sell upland cotton at not less than 105 percent of the "basic" loan rate plus reasonable carrying charges, instead of 115 percent of the loan, as presently required. | Same as House. |
| *9. Export market acreage* | |
| In any year through the 1967 crop in which the national acreage allotment exceeds 17 million acres, Secretary would be authorized to allot one-half of such excess to farmers who would receive world market prices for the production from the excess acres. | If the Secretary determined that the carryover would be reduced by 1 million bales or that the carryover would be less than 8 million bales (including the production from the export market acreage): (a) In 1964 the Secretary would be authorized to increase the allotment for any farm up to 10 percent with the farmer receiving world market prices for the production from the increased acreage. (b) In 1965 the Secretary would be authorized to allot export market acreage to the States which would in turn be allotted to farmers upon request filed with their county committees. |

## THE SONIC BOOM TESTS AT OKLAHOMA CITY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. SELDEN] be permitted to address the House at this time and my special order be immediately after his.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## BIPARTISAN FOREIGN POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama [Mr. SELDEN] for 30 minutes.

Mr. SELDEN. Mr. Speaker, responsible foreign policy spokesmen publicly identified with the administration have a special duty to consider the impact which both the content and the timing of their remarks might have on our foreign relations.

Regarding Castro's Cuba, the United States is committed to the position, enunciated by President Kennedy, that communism in this hemisphere is not negotiable. We are also currently engaged in a critical test of policy regarding our relations with the Government of Panama.

Criticism and debate of issues, domestic and foreign, are fundamental to our system. But when rearguard attacks are launched by high-ranking spokesmen against our own Government's foreign policy positions, a false and potentially dangerous picture of national division is conveyed throughout the world.

This is not to say that foreign policy issues are beyond the bounds of responsible criticism and debate.

As chairman of the House Subcommittee on Inter-American Affairs, I have never hesitated to speak out against Latin American general policies which in my opinion do not serve the national interest.

At the same time, I believe that like the general legal doctrine of free speech, the exercise of free speech in foreign policy matters has its proper limitations. There is such a thing as shouting "fire" in the theater of foreign relations. I am afraid that certain of our high-ranking spokesmen, in their recent public utterances, have been guilty of just that.

It was the distinguished former chairman of the Senate Foreign Relations Committee, Senator Tom Connally, who laid down the dictum that partisan criticism stops at the water's edge. I do not believe that Senator Connally meant to say that foreign policy issues were immune from free debate. I believe that he did mean that there are proper times and proper methods for foreign policy critics to make their views known without creating an international impression of national disunity and weakness. And I am certain that Senator Connally

meant for this rule of restraint to apply to himself, the country's highest ranking congressional foreign policy spokesman, as well as to others.

Nebulous discourse about foreign policy myths and realities, in my opinion, offers no useful guideposts for this country's continuing search for answers to problems in Cuba, Panama, and throughout Latin America.

Is the threat of Castro Cuba to our national security and to the hemisphere indeed a myth? The missile crisis of October 1962 is history, not mythology. As a national experience I believe it will be remembered as something more than a mere distasteful nuisance, as some have termed the Castro regime.

The Cuban confrontation came about precisely because of this country's underestimating the danger of a Communist island base in the heart of the Americas. Those who now would warn of the dread risk of nuclear war might well recall that the Cuban missile crisis came about because of our vacillation and indecisiveness in meeting a very real challenge to our hemispheric security. That challenge still exists, and those who would trust in Premier Khrushchev's or Fidel Castro's drawing back from aggressive policies are dealing in the purest of myths.

The historic lesson of October 1962 is clear to all except those who would make even the simplest lesson seem complex. The lesson was that trying to sweep the Castro menace under a foreign policy rug resulted in a major power crisis. Only firmness on the part of the United States dispelled that crisis and thwarted a Soviet effort to turn the balance of international power in its favor.

Now a fresh effort is underway to sweep aside and belittle the Castro menace. The concern of the American people over the existence of a Caribbean base for Communist aggression and subversion is scorned as unrealistic, irrelevant, and irrational. Now the selfsame experts who in the past argued against effective, full-scale efforts to deal with Castro are advising that we must accept the "reality" of his regime.

How often do those who underestimate the Castro threat make a similar error by lightly regarding the good sense, not to mention the good memory, of the American people. The truth of the matter is that the American people have been more correct in their assessment of the Castro threat over the years than most of our so-called foreign relations experts. Had these experts not ignored the popular demand for a firm and active policy directed against Castro's Cuba, the grave risks of the October 1962 confrontation would have been avoided. It was the purported experts, with their counsel of timidity, who helped create a vacuous policy which Khrushchev and his Cuban satellite so dangerously misconstrued.

No, the American people have been ahead of their leaders in correctly assessing the dangers of Castro communism to the hemisphere. As a matter of fact, it might be said, to paraphrase Clemenceau, that the security of our hemisphere might be too important a matter to be left in the hands of our foreign relations experts. A good case can be made for trusting the sound instincts of an American public that was right rather than the sonorous erudition of foreign relations authorities who have been so often wrong.

What is meant when we are told to accept the "reality" of the Castro regime? Shorn of its linguistic refinement, this means simply that we should begin negotiating with communism in this hemisphere. A tortured line of reasoning seems to hold that because we are a great Nation we ought to be able to tolerate a small menace. But the menace is not Castro—it is Moscow. If we come to accept the "reality" of Soviet influence in Cuba, we inevitably will end by accepting it throughout the Americas.

Are we prepared to extend air surveillance against the clandestine emplacement of Soviet long-range missiles from the Rio Grande to Cape Horn? For that is the only result foreseeable from a policy of coming to terms with communism in the Americas.

What then should be our policy regarding Castro's Cuba? I consider shallow and shortsighted the argument that we should recognize Cuba and join an economic race for Cuban markets. Those who urge extension of trade with communism on the basis of its "good business" aspects are either forgetful of pre-Pearl Harbor history or oblivious to its lessons. We cannot do business with Castro, and it is truly a myth to believe otherwise.

In the alternative, I submit that a great nation committed to stand firm against communism in Berlin, in Vietnam and in other distant areas, should have a policy in its own hemisphere consistent with these worldwide goals. We have told the Communists that we intend to risk war if necessary in defense of free world interests at the Brandenburg Gate and in the Mekong Delta. Are our adversaries to regard these declared intentions as "real" or "mythical?" Surely, if we mean to hold a line against communism abroad, we must pursue a similar policy of firmness and action in our own neighborhood. And to say, as have some regarding our hemisphere's danger, that the poison is not so bad since it has not yet killed the patient, is a degree of aloof disregard for realities unparalleled since the London Times was rationalizing the Hitler menace for Englishmen in the 1930's.

The same detached view of this country's vital interests characterizes recent criticism of our Government's policy toward Panama. This criticism is aimed at our refusal to accede to Panamanian demands that we agree—prior to their resumption of diplomatic relations—to "renegotiate" our treaty with Panama rather than "discuss" all areas of disagreement.

The critics seemingly argue that in this instance a great nation ought not to be too insistent that smaller nations live up to their treaty obligations.

Are we then to operate on a double standard of treaty relations, insisting that larger nations abide by their word, but smaller countries are not to be held strictly accountable for their international contracts? By this reasoning, all a smaller nation need do to renege on its unwanted treaty obligations is plead duress, then riot and renegotiate.

That is the thesis of certain opportunistic Panamanian politicians today. Fortunately, Assistant Secretary Thomas Mann recognized the dangerous repercussions were we to agree to Panamanian demands to "negotiate" the treaty. Mr. Mann to date, with the full support of President Johnson, has held firm against agreeing to such a double standard in our international dealings. Clearly, the battle over terminology goes beyond simple semantics. Larger stakes are involved, for if it is once established that the United States will retreat from its international rights when confronted with irresponsible mob action, no U.S. treaty position in the hemisphere will be secure.

Assistant Secretary Mann understands this, and has held firm. As a result, there can be little doubt that the outbreak of homefront criticism regarding our country's Panamanian position is a direct effort to weaken Mr. Mann's hand in policymaking. He is the target of the same experts who have been urging a soft Latin American policy over the years, with disastrous consequences for our national and hemispheric security.

It is shocking—and I use the word advisedly—that certain of Mr. Mann's homefront critics have alined themselves with our most vehement Panamanian critics in interpreting U.S. relations in the Canal Zone. The record of the United States in Panama has been wrongly blackened by those who would sow the seeds of hatred and contempt for our country in Latin America. Yet, this historic record, rather than a stain, is in truth a credit to our national history.

When all is said and done, the United States, under the farsighted executive leadership of President Theodore Roosevelt, did construct the Panama Canal, at a considerable cost and sacrifice of American lives and resources and despite serious obstacles. The canal today represents a living monument to American dedication to the principles of peace and broadened international and hemispheric relations.

For the Panama Canal, lest we forget, is not a natural resource of that country. The United States holds the zone through legal and moral right. Let our Panamanian critics—and our homefront critics as well—conceive if they will how Panama would have fared over the years had the "Colossus of the North" been not the United States but Soviet Russia.

The zone treaty, as should be well known, is not 60 years old, but has been twice renegotiated, in 1936 and again in 1955. The Governments of Panama during those years—freely and without duress—entered into and agreed to renegotiate treaty terms.

The United States rightly lives up to its terms under the treaty and expects the

Government of Panama to do the same. A truly great nation cannot permit a mob to accomplish what we would not allow an army to do—that is, to trample underfoot our international rights.

It is to be hoped, therefore, that these homefront and rearguard critics, especially those who are believed to hold close ties to the administration, will reconsider the serious impact of their divisive public pronouncements on our efforts to maintain a firm and fair Latin American policy serving our national interests.

In conclusion, I have been reminded by this homefront criticism of foreign policy of Winston Churchill's rejoinder to David Lloyd George's criticism of British conduct of the Boer War at the turn of the century.

In a situation not without current parallel, the young Churchill heard Lloyd George, who was a member of the Liberal Opposition, excoriate the British Government's conduct of the war and urge a British retreat from South Africa.

Churchill was—if you will forgive my use of the term—shocked, that at a time when his nation was locked in battle, Britishers would provide propaganda aid and comfort to the enemy. He confronted Lloyd George following the debate and said:

Sir, you take a singularly detached view of the British Empire.

Thus might I say to certain of our own country's latter-day critics:

Sir, you may take a singularly detached view of the interests of the United States.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Ohio.

Mr. BOW. The gentleman has made a very fine pronouncement here today of foreign policy. This is our foreign policy that the gentleman has spoken about today. I can assure him as one member of the minority there will be bipartisan support for what the gentleman is talking about. We can have this as our policy if this is followed. Then we can strengthen America and our country. If we vacillate, if we do what other people are talking about, I think it will do us great harm in the foreign relations of our country.

I congratulate the gentleman for a very fine pronouncement of foreign policy.

Mr. SELDEN. I thank the gentleman, and concur in his views.

STRENGTH NOT WEAKNESS MUST BE AMERICA'S POLICY

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield.

Mr. ROGERS of Florida. Mr. Speaker, I, too, want to commend the gentleman from Alabama [Mr. SELDEN], who is chairman of the Foreign Affairs Committee of the House on Latin America, for his very penetrating analysis and for the very fine job he has done in helping to firm up a stronger policy for our Government.

Mr. Speaker, yesterday in one of the most amazing speeches ever delivered, it was suggested that this Government should retreat from its firm foreign policy on almost every front. We are to leave Castro alone to dominate all of Latin America. We are to surrender to Panama in the canal dispute in advance of any "negotiations." We are to soften up our approach in South Vietnam.

It is being suggested that this speech was a "trial balloon," spectacularly headlined by the liberal press. It should be shot down immediately. Fortunately the administration has already denounced this speech of planned retreat.

Only a convivial memory and a distortion of facts could lead one to say the economic blockade of Cuba has not been effective. A few sales do not mean a complete breakdown. The economic blockade against Castro has been so successful he is now talking "coexistence" to try to upgrade his sagging economy. Every major shipping power in the free world except Great Britain has cut its shipping markedly. Our shipping amendment to the foreign-aid bill has produced additional decreases which will effect a major blow to the Castro government in the months ahead. Of the 13 free world nations trading with Cuba during the first half of 1963, 5 have quit altogether and an additional 2 show a substantial decrease. Of the remaining six, at year end Morocco, France, Spain, and Greece were only making an average of two trips a month each and there are indications that France is the only one of these which is increasing, rather than decreasing, its shipping to Castro. Of the remainder, Great Britain and Lebanon show increases and an upward trend into the current year.

These mean, of course, that the economic blockade is working. Only Great Britain, France, and Lebanon show evidence of defiance of U.S. policy. Even in England an effect can be noted at last. Leyland Motors, which sold $10 million in buses to Castro, had to go to East Germany to find ships to carry them to Cuba, since no British merchant ship wanted to risk U.S. censure. Public opinion in Great Britain is changing, as indicated by the remarks of one of Britain's leading authorities on the Soviet Union, who recently took issue with the thesis that a fat Communist was less dangerous than a lean one. Writing in the London Sunday Times, Prof. Leonard Schapiro said:

No amount of trade with Cuba is likely to produce the kind of factors which in the case of the Soviet Union "may" in time lead to closer and more harmonious political relations. On the other hand, to ignore the very natural apprehensions of our ally, the United States, about the shoring up of a power which avowedly is dedicated to spreading Communist rule over the American continent, may lose us much more than we should ever gain from the profits of Cuban trade.

Castro is more of a threat to this hemisphere than ever before, not less. While we had just reason to be concerned about Russian troops and missiles in Cuba, we have more reason to be concerned about the arms and missiles in Cuba under the command of the Castro brothers, as the Russians withdraw and turn these weapons of war over to complete Cuban authority. There was some small comfort in the fact that Russia, while an extremely dangerous foe, would at least weigh the possibilities of global war. The Castro brothers have no such restraint to hold them back from complete irresponsible acts.

Panama would not exist today if it were not for the treaty of 1903, which we are now told we should negotiate before even hearing the terms of surrender. It has been the might of the United States and the American dollar which has maintained Panama as an independent state. In return, we were given rights to the canal. That canal is vital to the security of this Nation and therefore is not subject to advance commitments of negotiation. The United States is powerful enough to always be willing to discuss disagreements with any other nation. But there cannot be any prior commitments on the part of our Government that we will agree to something which will effect our national security before we even know what demands will be made on us—a reasonable position taken by our President.

The same advocate of complete surrender of U.S. policy around the world is one of the strongest advocates of foreign aid in the Congress. It seems abundantly clear to most people today that we cannot buy friends. Yet this seems to be the policy of the appeasers. We have spent taxpayers' money in Cambodia and told to get out. We have spent it in Indonesia and are now told by Sukarno in his own words to our Ambassador in public, "to hell with your aid."

It is time Americans, particularly those in high places of influence in the Congress, press, and State Department, realize that the only thing our adversaries understand is strength. We cannot buy our security through foreign aid giveaways, and we cannot buy defense by surrender of strategic positions. We can defend our freedoms only by letting it be abundantly clear to all that we are strong and willing to use that strength at anytime, anywhere, in defense of our liberties. President Kennedy showed this proper course in the days of the Cuban missile crisis. President Johnson has repeated several times before the Congress and the world the willingness of the United States to discuss any problem, but to stand firm for our basic interests with strength and determination.

Those who advocate a position of weakness for this Government undermine the unity and strong purpose as called for by President Johnson. This is the time to improve our world position, not destroy it. It is the stated policy of this Government to rid the hemisphere of Castro. Let us finish the job we have begun.

BRITISH EXPERT TERMS FAT-RED THEORY A FALSE BASIS FOR TRADE WITH CUBANS

(By Robert H. Estabrook)

LONDON, March 8.—One of Britain's leading authorities on the Soviet Union took issue today with the thesis that a fat Communist was less dangerous than a lean one.

Writing in the London Sunday Times, Prof. Leonard Schapiro castigated both Prime Minister Douglas-Home and the Labor Party leader, Harold Wilson, for seeking to apply

what he termed a fallacious argument to trade with Cuba.

To contend that the Soviet Union is more reasonable because it is fatter, Schapiro said, "attaches quite unreal importance to the relationship between what the population of Russia wants and the policy pursued by its leaders."

The overwhelming reason for discernible changes in Soviet policy, he contended, is the existence of nuclear weapons and the inadvisability of actions that might lead to armed conflict with the United States.

"No amount of trade with Cuba," he asserted, "is likely to produce the kind of factors which in the case of the Soviet Union may in time lead to closer and more harmonious political relations.

"On the other hand, to ignore the very natural apprehensions of our ally, the United States, about the shoring up of a power which is avowedly dedicated to spreading Communist rule over the American Continent, may lose us much more than we should ever gain from the profits of Cuban trade."

Schapiro did not exclude trade with Communist countries, but called for the weighing of political factors first. He opposed an economic boycott designed to starve Cuba on moral grounds.

"But quite apart from morals," he added, "the fact that the capitalist powers are repeatedly called upon to feed the socialist countries is a more powerful argument against communism than all the books in the British Museum."

Schapiro's attack was the second made recently on the British fat-versus-lean Communist argument. Writing in the Guardian last week John Grigg, the former Lord Altrincham, took much the same line against what he called wishful thinking.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I am happy to yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I believe it should be a source of great comfort to all of us in the House on both sides of the aisle to know there are two distinguished Members like the gentlemen who have participated in this discussion, the gentleman from Alabama [Mr. SELDEN] and the gentleman from Florida [Mr. ROGERS], both of whom are experts in the field of South American foreign affairs and both of whom are courageous men who have had the courage to stand up today and shoot down the trial balloons which would suggest some sort of retreat or retrenchment in our foreign policy in the two vital areas which affect our security, Cuba and Panama. I congratulate both the gentlemen. I know the American people agree that they have performed a great public service today by not permitting this to go further than it has.

I submit, as these gentlemen have so eloquently stated today, that for anyone to suggest a retrenchment either in Cuba or in Panama is to be completely out of touch with reality. It is surprising that spokesmen one would think would know better would become victims of this fallacious theory that we can negotiate some sort of agreement with Castro or that we can negotiate from a position of weakness in Panama.

It appears to me that there are those who are now beginning to read President Johnson loud and clear. It is eminently clear that Mr. Johnson knows exactly what he wants to do in making sure that freedom survives in this world. The President has followed a strong and determined position in his dealings with the Communist world. There are those who would like to temper his views; but I stand with the President. I calculate that these trial balloons which are sent up will be totally ineffective and will be rejected by the American people. When the smoke clears, President Johnson in his quiet, dignified but determined and unequivocal manner will see to it that our way of life prevails and the principles for which America stands—dignity and freedom—will survive over the tyranny represented by the Communist world.

I congratulate the gentlemen for the truly great contribution they have made today.

Mr. SELDEN. I thank my colleague the gentleman from Illinois.

I yield back the remainder of my time.

## DRAKE H. SPARKMAN

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REID of New York. Mr. Speaker, I regret to inform the House of the death of a distinguished American, Drake Sparkman. His services to our Nation in war and in peace have been significant and will live on.

Drake Sparkman's contributions to yachting and to America's sportsmanship have been numerous—including his firm's design, by Olin Stephens, of the America's Cup successful defender, *Columbia*.

Above all, Drake Sparkman will be remembered for his warmth of friendship by all those privileged to have known him. I extend to Mrs. Sparkman and to the members of the family, for myself and on behalf of the Members of this House, our deepest sympathy.

Mr. Speaker, I include an article from the Mamaroneck Daily Times of March 21, 1964.

SPARKMAN, YACHT FIRM FOUNDER, DIES

Drake Hoyt Sparkman, 66, of 21 Orsini Drive, Larchmont, founder and president of Sparkman & Stephens, Inc., yacht brokers, naval architects, and marine insurance brokers in New York City, died Friday at Memorial Hospital, New York City. He had been ill for several months.

A native of New Rochelle, he was born February 27, 1898, the son of the late James D. and Edith Hoyt Sparkman. Mr. Sparkman, who has resided in Larchmont since 1926, is a descendant of the Huguenot families of Soulice and Drake. His firm designed the *Columbia*, the defender of the America's Cup in 1958.

Mr. Sparkman, a life member of the Larchmont Yacht Club, belonged to the New York Yacht Club, the Racquet and Tennis Club of New York, and was a trustee and former president of the Marine Museum, New York City. He was a member of Sts. John and Paul Church, Larchmont. A veteran of World War I, he served as an ensign on the U.S.S. *Montana*, an armored cruiser.

Mr. Sparkman was prominent in International class yachting for many years and won the Astor Cup with the 12-meter *Iris* in 1933. He was chairman of the Coast Guard Committee for the enrollment of yachts and personnel during World War II.

Mr. Sparkman headed the largest business of its kind in the world. A blond, personable man, he would say, "No deal is too small."

Once he sold a sailboat for $750. The following year the same man bought a $7,500 boat from him. Two years later, the man was sold a $15,000 yacht.

In his early years around New Rochelle, Mr. Sparkman learned to sail on Long Island Sound and in the summers got a job in a yacht brokerage office on City Island, the Gerald W. Ford Yachts.

He was in the Navy during the First World War and later worked for naval architect, Roger Haddock, in New York.

In 1927, Mr. Haddock retired and Mr. Sparkman started his own business. The following year, Olin Stephens, the brilliant yacht designer came in with him, after a conference, closing the partnership at Larchmont Yacht Club.

Mr. Sparkman was a fine sailor but never designed yachts. He won three Long Island Sound Victory class champions in his yacht *Blue Jacket*. Besides the *Columbia*, the company not only has been responsible for the best designs in racing yachts, but in the planning and sales of naval vessels, cruising yachts and commercial boats, such as ferryboats.

The 12-meter racer *Vim* was a longtime winner in America's Cup competition and considered a forerunner of the *Columbia*. The Sparkman firm designed the *Vim*.

Surviving him are his wife, the former Margaret Mulhall; three sons, Drake H., Junior, of Setauket, N.Y., John C. of Bronxville, and Robert J. of Syosset, Long Island; four stepchildren, Stephen, Timothy, Cornelia, and Kent Huff, all of the home address; a brother, James D. of 75 Eastchester Road, and nine grandchildren.

Funeral services will be held Monday at 9:45 a.m. at SS. John and Paul Church, Larchmont. He is presently reposing at the George T. Davis Memorial, 14 LeCount Place, New Rochelle. Friends may call from 3 to 5 and 7 to 9 p.m., today and Sunday. Interment will be private.

Mr. Sparkman sold the *Lyndonia*, the steam yacht, to Cyrus Curtis, publisher of the Saturday Evening Post.

## SELECT COMMISSION ON MARKET POWER IN AGRICULTURE

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, since World War II we have witnessed two notable revolutions in our Nation's economy—the unprecedented rise in farm productivity and the equally rapid growth of food distribution techniques. Taken in combination these developments have been perhaps the major factor in making the American public a people of plenty without parallel in recorded history.

Yet these miracles have not been unmixed blessings. Despite our efforts to achieve workable supply management, farm production continuously threatens to exceed foreseeable demand. And the resulting decline in farm prices, even when precipitous, is seldom, if ever, adequately reflected in lower consumer prices.

The statistics demonstrating this are striking. In the decade from 1954 through 1963, the consumer price index for food rose from 95.4 to 105.1. In the same period, agricultural producers saw their share of the consumer dollar decline from 44 to 37 cents. This widening margin between producer receipts and consumer prices was, and is being absorbed by the food processing and distribution industries. Some of this margin is attributable to added costs. Still, there has been growing concern that much of it represents above-normal returns to the food chainstores which have so enormously expanded their market power through vertical and horizontal integration.

The recent drop in prices received by meat producers has dramatically underscored the seriousness of this problem. According to the latest Department of Agriculture analysis, published in February's Marketing and Transportation Situation, the net farm value of beef fell 6.5 cents per pound during the first 11 months of 1963 while the retail prices dropped only 1.4 cents.

In the wave of this punishing blow to cattle and hog raisers, the President has called for a bipartisan study of chainstore market power to fill the great gaps in our knowledge about this burgeoning economic phenomenon.

Today I have introduced a joint resolution to establish such a commission, called the Select Commission on Market Power in Agriculture. Modeled after the very successful Temporary National Economic Committee of the 1930's, it would be composed of 15 public officials. The Speaker of the House and the President pro tempore of the Senate would each appoint five members from their respective bodies, no more than three of whom would belong to the same party. The remaining five members of the Commission would come from the executive branch—the Secretaries of Agriculture and Commerce, the Attorney General, the Chairman of the FTC, and the President's adviser on consumer affairs.

The Commission's mandate would call for an investigation of those practices by food chainstores in interstate commerce to determine if they violate the antitrust laws. It would have full powers to enlist the aid of other Federal agencies in conducting this investigation, terminating its work by a full report to Congress with recommendations for new legislation if the circumstances require it.

Mr. Speaker, the resolution I have introduced today responds to the President's call for a bipartisan study of this problem and also meets the desire of many others to see an FTC investigation of the chainstore practices. I commend it to the attention of all Members who see in the growing concentration of agricultural marketing power a threat to America's farmers, consumers, and small businessmen.

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## THE SONIC BOOM TESTS AT OKLAHOMA CITY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, those of us who are concerned with excessive noise generated by subsonic commercial jets, and the noises to be generated by the supersonic transports now being considered, have watched with great interest the current series of tests being conducted by the Federal Aviation Agency over Oklahoma City.

I have a particular interest in these tests because my congressional district lies immediately east of O'Hare Field in Chicago and my constituents suffer extreme hardship from noise generated by jets operating to and from O'Hare Field. Someday supersonic jets may operate to and from O'Hare Field.

These tests are designed to test community reaction to sonic booms.

On the basis of the tests so far, the reaction of the population in Oklahoma City has been mixed.

However, Mr. Speaker, it is my fear that the present tests may not tell the full story and may actually be used to, inadvertently, delude the public into thinking that civilization can learn to live with sonic booms.

I am particularly concerned that FAA personnel in charge of these tests in Oklahoma City have reported that out of some 2,000 complaints about the booms by residents of Oklahoma City, only 17 complainants have filled out affidavits of damage on a special form required by the FAA.

In a recent dispatch to the Chicago Sun-Times, that newspaper's editor, Mr. Richard Lewis, who had visited Oklahoma City for a personal observation, quoted Mr. J. Kenneth Power, chief of operations for the FAA at Oklahoma City, as stating that:

> Not a single instance of structural damage resulting from booms has been found.

Mr. Speaker, while I am fully aware of the fact that the FAA has to somewhat "back in" into this whole problem of sonic booms, I have some strong reservations about the nature of the tests now being conducted over Oklahoma City.

The first 20 days of Operation Bongo, as it is officially known within aviation circles, consisted of producing sonic boom overpressures of 1 to 1½ pounds per square foot at ground level.

No one questions the fact that this low overpressure creates no damage to ground structures and no significant adverse public reactions day or night.

Significantly, however, even at these low pressures, there have been vast complaints made by the people in Oklahoma City, and there is even a movement to compel the local government to take steps to halt the tests.

Assuming that the current objections have little basis, I submit, Mr. Speaker, that they are an indication of public reaction to sonic booms.

It is my understanding the FAA intends to raise the overpressure to 2 full pounds very shortly. Understandably, the booms will be louder and there will be more jarring of the people in the test area, but even here, Mr. Speaker, it is safe to predict that any sonic boom with an overpressure of up to 2 pounds per square foot will most probably cause no serious damage to ground structures even though significant adverse public reaction both day and night will occur.

The point I am trying to make here today, Mr. Speaker, is that we will witness several months of testing by the FAA and then, if these Government agencies run true to form, the conclusion will be drawn that while there is some negative public reaction there is no substantial damage to property and therefore, the plans to build a huge supersonic transport at a cost of $1 billion to the American taxpayer are justified.

Mr. Speaker, I submit that this whole project must be held in a state of abeyance until after the FAA has had the courage to generate sonic boom overpressures in excess of 2 pounds per square foot.

Mr. Power himself in 1961 told an Institute of Navigation seminar in Fort Worth, Tex., that sonic booms of 2 to 3 pounds overpressure per square foot would cause damage to glass and plaster in isolated cases and widespread adverse public reaction day and night.

He further stated that sonic booms causing overpressure of 3 to 5 pounds per square foot would cause widespread window and plaster damage, possible minor structural damage to frames and walls of some buildings of marginal construction or of poor repair, possible indirect effects due to falling objects and debris.

Recently, Mr. Speaker, I introduced H.R. 8104, an act to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States. Under any proposal, it would be unlawful to operate any civil supersonic aircraft in air transportation through the navigable air space of the United States which would generate sonic boom overpressures exceeding 1½ pounds per square foot on the ground directly beneath the flight path.

The purpose of my legislation was to serve notice on the developers of this new and uncharted method of transportation that before they pour billions of dollars into the production of such aircraft, they will have to design them in such a way that they will not cause serious hardship to the people of the United States.

It is significant, Mr. Speaker, that the Federal Aviation Agency, the Civil Aeronautics Board, the Department of the Air Force, and the Bureau of the Budget have all stated their strong opposition to this proposal.

Mr. Speaker, I dare the FAA to produce sonic booms substantially in excess of 2 pounds overpressure in Operation Bongo over Oklahoma City and then let the people of that city demonstrate how they feel about proposals to limit the scope of sonic booms in this country.

By Mr. Power's own statement, describing the reaction of people to sonic booms in excess of 2 pounds, it is safe to presume that the populace of Oklahoma City would probably run the whole operation out of the city if they generated overpressures in excess of 2 pounds.

Yet, Mr. Speaker, we already know that the supersonic transport being de-

veloped jointly by the British and the French—the Concord—will generate sonic booms with overpressures in excess of 2 pounds per square foot when it becomes operational.

I am aware of the fact that all of these agencies involved in the development of an American supersonic transport have indicated a concern about noise and have stated that any design of such aircraft by the United States must take into consideration the problem of sonic booms. But these statements are so nebulous that we know from past experience that the public will be the last to be considered.

We need only look at the scandalous situation that exists at every major airport in America today where the lives of perhaps as many as 1 million Americans who live near major airports have been seriously affected by noise being generated by the conventional subsonic jets. All protests to the FAA bring a rejoinder that you cannot stop progress.

Mr. Speaker, it is common knowledge that the powerplants of today's subsonic jets were developed only with the consideration of thrust, and no concern was given to the problem of noise over vast communities surrounding America's airports.

It is my fear that unless Congress writes into law specific criteria controlling sonic booms over the United States, millions of dollars will be expended both by the Government and the industry in the development of all the other factors affecting supersonic transports and when this money has been spent, they will again tell us that to try to alter the design could lead to bankruptcy for the developers of these planes.

We have had too much experience in seeing how thoroughly airplane builders, the carriers, and other special interests control this entire field of flight regulation to be foolish enough to trust this whole program to the future with no limitations established by the Congress.

Out here in the shadow of the Nation's Capital, there are two monuments in front of the National Archives Building. One of them has inscribed on its base: "What is past is prologue." The other states: "Study the past."

Mr. Speaker, the gravity of this entire subject can be fully appreciated when we look to what is happening today in Chicago, in New York, in Miami, in Los Angeles, in Denver, in Houston, in all the other American cities which have airports handling conventional subsonic jet transports.

Absolutely no consideration was given to the noise factor and even today when the industry has developed a fan jet engine with added thrust, still no consideration has been given to the jet noise factor.

At the conclusion of my remarks I shall include the letters written to the House Interstate and Foreign Commerce Committee by the FAA, the CAB, the Department of the Air Force, and the Bureau of the Budget regarding the proposals contained in H.R. 8104 to establish minimum criteria for sonic booms.

These letters clearly demonstrate that these agencies are more concerned in developing the supersonic transport than they are in controlling any sonic booms that it may generate.

Yes, Mr. Speaker, there are references made of concern about noise but if the present standards adopted by the FAA in controlling noise at major airfields created by subsonic jets is any indicator, then let us not delude ourselves into thinking that any one of these agencies would hold up the expenditure of millions upon millions of dollars to develop a supersonic jet until such time as science has found an answer to the sonic boom.

One would have to be extremely naive to think that the FAA would take a position that the first order of business before any research money is spent on the development of airframe and powerplants for the supersonic jet of the future, research must demonstrate that sonic booms can be held to the acceptable overpressures established by the FAA itself.

I have watched this Agency operate too long to have any confidence that sonic booms and excessive noise on landings and departures will receive anything more than just lipservice from all of those directly or indirectly involved in the development of this new mode of transportation.

What possible objection could anyone have to an establishment of minimum criteria for sonic booms? Why would the FAA oppose this legislation if it indeed did plan to make sonic booms and noise one of the most important considerations in the development of this aircraft.

It is my hope that the Interstate and Foreign Commerce Committee will exercise its own individual judgment and not be guided by the recommendations of these agencies.

I have already indicated that I am perfectly willing to accept an amendment to H.R. 8104 which would permit sonic booms of up to 2 pounds overpressure per square foot under certain conditions.

Mr. Speaker, it is not my intention to impede or obstruct this Nation's desire to participate in the development of a supersonic jet. I am aware of the economic benefits that can ensue to our country if we are able to capture the imagination of the world's air carriers with an effective supersonic transport. I am aware of the jobs that production of such aircraft will create in this country. But by the same token, Mr. Speaker, as only one Member of the Congress, I would not be fair to my constituents if I did not challenge the wisdom of all of this until an adequate system is devised to protect the people on the ground against the ravages of excessive sonic booms.

Mr. Halaby has an opportunity to prove me right or wrong. Let him instruct the people in charge of Operation Bongo to produce overpressures similar to those which will be produced by the Concord over Oklahoma City.

I am firmly convinced that the 2,000 complaints now on record with the FAA in Oklahoma City as a result of the tests so far would skyrocket if the FAA produced sonic booms approaching 3 pounds or more overpressure per square foot.

Furthermore, Mr. Speaker, I am convinced that legislation is necessary because in reviewing the correspondence of the agencies commenting on H.R. 8104, it is clearly apparent that the respective agencies within our own Government are not agreed on the results and damages caused by sonic booms.

The FAA admits that sonic booms from 2 to 3 pounds overpressure per square foot will do damage to glass and plaster in isolated cases and that sonic booms creating overpressure of 3 to 5 pounds per square foot will cause widespread window and plaster damage. But the National Aeronautics and Space Administration, in its statement to the committee in commenting on H.R. 8104, states that tests carried out by NASA in cooperation with the U.S. Air Force show that the lowest overpressure at which house windows were broken was 23 pounds per square foot, and most of the windows tested survived pressures exceeding 56 pounds per square foot.

Mr. Speaker, it appears to me incredible that these two responsible agencies of government could have such divergent views on a single subject. It appears further, on the basis of all the research that I have done on this subject, that NASA is way off the pad in its analysis.

But the important thing, Mr. Speaker, is that here we have so vital an issue as the health and welfare of millions of Americans and the safety of property throughout the country involved and yet these two agencies can not agree on standards for damage due to sonic booms.

I believe, Mr. Speaker, that Dr. Bo Lundberg, director of Sweden's Aeronautical Research Institute, and one of the world's truly great authorities on this whole subject of sonic booms, stated the case clearly when he said recently:

> Progress should imply the greatest possible gain in time forward, greatest possible number of passengers with the least possible disadvantage to the people on the ground.

If I had any confidence that the agencies in charge of policing the aviation industry in this industry have any serious concern for the plight of the people on the ground, Mr. Speaker, I would not be introducing H.R. 8104.

But experience has shown us repeatedly that the considerations of those on the ground must repeatedly give way to the desire to haul passengers in the air at a degree of convenience most acceptable to the air passengers and industry.

I do not believe that millions of Americans, including a substantial segment of my own constituency, should be exposed to the ravages of uncontrolled sonic booms merely to trim the flying time of anyone from New York to Los Angeles by perhaps only 40 to 50 minutes. They can now make this trip in slightly more than 3 hours and in my judgment until the American people can be convinced that a supersonic jet can be developed which will not produce excessive sonic booms, this whole program of development of supersonic jets will have to remain on the shelf.

I grow impatient with those who would accuse me of impeding progress. On the contrary, I am trying to demonstrate here

today a degree of foresight in the protection of our people that unfortunately, too often escapes those who have the greatest degree of responsibility in this field.

I have no intention of seeing the people of Chicago subject to a shower of falling glass in those big beautiful glass enclosed skyscrapers that we are building in Chicago because of an excessive sonic boom caused by a supersonic jet trying to get a load of passengers from New York to Los Angeles in 40 minutes less flying time.

The tests in Oklahoma City can indeed be a big help in this whole subject, but only if the FAA has the courage to increase the booms to the overpressures which we know the supersonic jets will have to produce to be efficiently and economically operational.

Mr. Speaker, I find great comfort in the fact that my own position has been fortified by the Airport Operators Club which the other day informed FAA Administrator Halaby that the noise from supersonic transports proposed by competing manufacturers must be "substantially reduced if they are to be acceptable at U.S. airports."

Following is the complete story from the wires of United Press International regarding the Airport Operators Club position.

It is my hope that this statement will be seriously considered by Congress in evaluating the merits of H.R. 8104.

Finally, Mr. Speaker, I ask unanimous consent to include at this point in my remarks an excellent article in the Oklahoma City sonic boom experiment which was written by Mr. Richard Lewis, science editor of the Chicago Sun Times, which appeared in that publication, and I also ask unanimous consent to include at this point in the RECORD the correspondence I referred to earlier:

A UNITED PRESS INTERNATIONAL DISPATCH

WASHINGTON.—Major airport operators told the FAA today that present supersonic airliner designs call for planes which are too noisy.

Emory L. Cox, president of the Airport Operators Club, informed FAA Administrator Najeeb E. Halaby that the noise from supersonic transports proposed by competing manufacturers must be "substantially reduced if they are to be acceptable at U.S. airports."

Cox and other airport executives were briefed recently by FAA officials on the SST design submitted by three airframe and three engine manufacturers. Cox said not a single design appeared to be acceptable from the standpoint of noise suppression.

Even though FAA has said it would not award a contract for any SST that produced noise levels greater than current subsonic jets, "the strong impression gained by our members attending your briefing is that the full extent of neither the requirements of persons on the ground nor the economic ramifications with respects to costs by airports are being considered by the FAA," Cox said in a letter to Halaby.

The airport official said if the SST noise levels are not reduced, "the resulting land acquisition and other costs around U.S. airports to be served by the SST can add billions to the national cost of the SST."

Cox reminded Halaby that many lawsuits have been filed against airport owners resulting from noises produced by present jets. He added:

"Now, while the SST is in the design stage, is the time to provide manufacturers with noise criteria tolerable to the communities adjacent to airports instead of waiting as was done with subsonic planes, until the aircraft is built and ready to go into service before the noise suppression and noise abatement steps are taken."

Cox said an overnoisy SST would require acquisition of a "buffer" zone that would cost a minimum of $350 million at a major airport. He also said the FAA has not taken into consideration the cost of providing runways and taxiways sufficient to accommodate the heavier SST's.

Representatives of 10 major U.S. airlines meet with the FAA Wednesday and Thursday to discuss evaluation of SST designs.

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FEDERAL AVIATION AGENCY,
*Washington, D.C., January 17, 1964.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Agency with respect to H.R. 8104, a bill "To amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States."

This bill will prohibit the operation in the U.S. navigable airspace of any civil supersonic aircraft generating sonic boom overpressures above 1.5 pounds per square foot. Additionally, the bill will prohibit the operation of supersonic aircraft which produce a ground noise level not substantially lower than that produced by subsonic jet aircraft.

While we share very deeply the concern behind this bill, we must oppose its enactment both on principle and in detail. Specifically, the limitation of permissible overpressures to 1.5 pounds per square foot will, we believe, critically affect the SST development program. While available scientific evidence indicates that such a minimum overpressure may be maintained during supersonic flight, moving across the barrier from subsonic to supersonic speed is expected to create brief (10–15 minutes) overpressures in the order of 2 pounds per square foot. These will occur approximately 150 miles from the departure airport. Limiting overpressures to 1.5 pounds per square foot will as a practical matter, restrict supersonic aircraft to overwater routes. The loss of market potential due to such a restriction would probably be so severe as to make commercial production of the SST economically unfeasible.

The limitations proposed on the aircraft's "ground noise level" are also open to objection. Actual runway noise levels during the takeoff of a supersonic transport cannot be expected to be substantially lower than those generated by today's jets, although we believe they can be kept within tolerable limits. Noise generated along the approach and departure paths by the takeoff and landing of supersonic aircraft will, we believe, be equal to or less than that produced by current aircraft. We do not think it wise, however, to be committed at this point to a legislative requirement that supersonic noise levels will be substantially lower.

What is, in fact, possible in meeting the changing needs of the public with the means provided by an expanding technology is not fully knowable in advance. For this reason, we have considerable doubt about the principle of legislating specific scientific objectives. Objectives, of course must be set. We believe, however, that it is much too early in the development of the SST embryo to begin imposing rigid technical standards in permanent legislative form. More helpful at this point is a firm desire to produce an acceptable aircraft translated into useful standards to guide the development process.

Such a set of design objectives is spelled out in the enclosed "Request for Proposals for the Development of a Commercial Supersonic Transport." It is our belief that noise should be one primary design parameter in the development of this aircraft. You will note that the goals in the areas of sonic boom overpressures (sec. 2.5) and ground noise levels (sec. 2.6) are as close to the recommendations of H.R. 8104 as is possible, given the current state of the art. As is made clear in section 1.7.5 and elsewhere, we intend to insist on these general requirements. This insistence, unencumbered by any frozen legislative imperatives, will allow the effective direction and channeling of the scientific and engineering effort necessary to insure that the supersonic transport will be in all respects a good neighbor.

The Bureau of the Budget has advised that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely,

N. E. HALABY,
*Administrator.*

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CIVIL AERONAUTICS BOARD,
*Washington, D.C., January 3, 1964.*

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your letter of August 19, 1963, requesting the Board's comments with respect to H.R. 8104, a bill to amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States.

H.R. 8104 would prohibit the operation of any civil supersonic aircraft in air transportation through the navigable airspace of the United States which would generate sonic boom overpressures exceeding 1.5 pounds per square foot on the ground directly beneath the flight path, and would make it unlawful to operate any such aircraft into or out of U.S. airports unless it can be demonstrated that ground noise level generated by such aircraft is substantially lower than that generated by long-range subsonic jet aircraft.

The Board favors action designed to encourage the development of supersonic aircraft which gives consideration to the noise abatement problem. At the same time, the Board believes, as pointed out in your committee's report on Investigation and Study of Aircraft Noise Problems (H. Rept. No. 36, 88th Cong.), that the physical creation of aircraft noise should be recognized as a scientific problem which cannot be resolved by legislative action. Moreover, as your committee also indicated, the primary responsibility for research and development of noise suppression in the design of aircraft and powerplants should continue to rest with the airframe manufacturers and the powerplant manufacturers.

The imposition of specific limits of tolerance on the operation of supersonic aircraft without giving regard to the research and development now being conducted in this area by various private agencies and several governmental institutions could not only result in excessive costs in the development of such aircraft, but also constitute a serious deterrent to such development.

The Board believes, therefore, that the development of supersonic airframes and powerplants meeting the standards of noise abatement can be better promoted by continuation of the research presently being conducted by both industry and the Government, and by effective agency action implementing the results of such research, than by the proposed legislation.

The Board has been advised by the Bureau of the Budget that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

ALAN S. BOYD,
*Acting Chairman.*

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
*Washington, D.C., January 9, 1964.*

Hon. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your request for comments of the National Aeronautics and Space Administration and report on H.R. 8104, a bill to amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States.

The legislation would amend section 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1430) by adding a new subsection entitled "Prohibitions Regarding Sonic Booms and Excessive Noise in Civil Supersonic Aircraft Operations."

The provisions of subsection (c) of section 610 would make it unlawful to operate civilian supersonic aircraft in air transportation through the navigable airspace of the United States when such operation would generate sonic boom overpressures exceeding 1.5 pounds per square foot on the ground directly beneath the flight path.

In subsection (d) the legislation would make it unlawful to operate any civil supersonic aircraft into or out of U.S. airports unless it can be demonstrated that the ground noise level generated is substantially lower than that generated by long-range subsonic jet aircraft. The exemptions provided in section 610(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1421(c)) could not be applied to the proposed section 610 (c) and (d).

It is the view of the National Aeronautics and Space Administration that, as is indicated below, the severe restrictions set forth in the proposed legislation would in effect prohibit the research necessary to the development of a U.S. supersonic transport. At the same time, these limitations would seriously hamper the research and the technological development necessary to the solution of the sonic boom problem.

On the basis of currently available knowledge, it would be premature to place an arbitrary restriction on the magnitude of sonic booms which may be generated by supersonic commercial aircraft. The tolerable levels for sonic boom overpressures have not been established. Results from research indicate that public reaction to booms creating pressures of the order of 2 to 2.5 pounds per square foot is the same as the public reaction to booms which create pressures of 1.5 pounds per square foot. Moreover, the damage caused by such pressures should not be exaggerated. In tests carried out by NASA, in cooperation with the USAF, the lowest overpressure at which house windows were broken was 23 pounds per square foot and most of the windows tested survived pressures exceeding 56 pounds per square foot.

The proposed legislation would seriously hamper the development of the U.S. supersonic transport. In order to assure that a sonic boom overpressure will not exceed an overpressure of 1.5 pounds per square foot on the ground, it would be necessary to design the aircraft so that the average overpressure created during cruise would not exceed 1.15 pounds per square foot. This reduction for design purposes to 1.15 pounds per square foot is necessary because of deviation of boom overpressures due to variable atmospheric conditions. The deviation has been observed to run about 30 percent from the mean. Preliminary design estimates indicate that the supersonic transport must weigh at least 400,000 pounds. Only an aircraft whose weight does not exceed 200,000 pounds can operate at supersonic cruise conditions without exceeding 1.15 pounds per square foot ground overpressures. On the basis of present technology, the preliminary analyses reveal that in order to limit the mean overpressure to 1.5 pounds per square foot in the supersonic climb, which is required for transition to cruise flight, the aircraft takeoff weight of 400,000 pounds would be excessive.

With respect to the ground noise limitations set forth in subsection (d), NASA is of the opinion that at this stage of engine development for the supersonic transport it is too restrictive to require that the on-ground noise level be substantially lower than that of long-range subsonic jet aircraft.

The National Aeronautics and Space Administration recommends strongly against the enactment of H.R. 8104.

The Bureau of the Budget has advised that from the standpoint of the program of the President, there is no objection to the submission of this report to the Congress.

Sincerely yours,

RICHARD L. CALLAGHAN,
*Assistant Administrator for Legislative Affairs.*

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DEPARTMENT OF THE AIR FORCE,
*Washington, January 8, 1964.*

Hon. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce, House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 8104, 88th Congress, a bill "To amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States." The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

The purpose of H.R. 8104 is to amend the Federal Aviation Act of 1958 so as to establish minimum noise level and sonic boom standards for the operation of civil supersonic aircraft through the navigable airspace of the United States. While the bill refers specifically to civil aircraft, it must be recognized that the Department of Defense also operates supersonic aircraft and that any limitations imposed upon civil supersonic aircraft constitute a basis for possible future limitations on military aircraft.

In the area of noise suppression, as in other technical aspects of the development of supersonic transport aircraft, it is not possible to know fully in advance what goals can be achieved by an expanding technology. For this reason we consider it inadvisable to seek to establish specific scientific objectives by statute. Design objectives should, of course, be set by the responsible agencies to guide the development process, but the imposition of rigid technical standards, even by regulation, should be limited to standards which have already been demonstrated by the development process to be definitely attainable. Consequently, while we understand the concern behind H.R. 8104, the Department of Defense must oppose its enactment on principle. Since the development of a supersonic transport aircraft is of primary concern to the Federal Aviation Agency, the Department of Defense defers to that Agency for detailed comments on the technical aspects of the bill.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

ROBERT H. CHARLES,
*Assistant Secretary of the Air Force.*

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EXECUTIVE ORDER OF THE PRESIDENT, BUREAU OF THE BUDGET,
*Washington, D.C., January 10, 1964.*

Hon. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Bureau of the Budget on H.R. 8104, a bill "to amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States."

In their reports to you on this bill the Federal Aviation Agency, the Civil Aeronautics Board, the National Aeronautics and Space Administration and the Department of Defense all oppose enactment of this legislation for the reasons stated therein. The Bureau of the Budget agrees generally with the views presented by these agencies and does not, therefore, recommend enactment of H.R. 8104.

Sincerely yours,

PHILIP S. HUGHES,
*Assistant Director for Legislative Reference.*

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[From the Chicago (Ill.) Sun-Times, Mar. 22, 1964]

## OKLAHOMA BOOMING IN JET NOISE TESTS ON CITY

(By Richard Lewis)

OKLAHOMA CITY.—Capt. James E. Short, zoomed up from Tinker Air Force Base and put his F–104 fighter into a steep climb over the eroded peaks of the Wichita Mountains.

He turned sharply into the northeast. Ahead, in the sunrise, was his target. The towers of downtown Oklahoma City gleamed like tiny golden pins in the olive drab plains.

### BLIP ON RADAR

"This is Bongo Operations," said Lt. Col. David Lillard. "You are 5 miles off track."

He spoke conversationally into a microphone at the Federal Aviation Agency's Aeronautical Center here.

"Roger," said the pilot. "Coming up on track."

The chief of Operation Bongo, J. Kenneth Power of the FAA, picked up his microphone. "Start your recorders," he said.

Tiny red and green lights gleamed in banks of amplifiers and tape recorders in the living room of a three-bedroom, frame house at 919 Kenilworth Drive.

Ready in the air. Ready on the ground. A chime announced the hour of 7 a.m.

Then a sharp, harsh crack of thunder rolled out of the sky. In a downtown restaurant, it whoomed against a plate glass window like a giant basketball.

### THOSE CRAZY BOOMS

"Those crazy booms," said the waitress, setting down her tray. "They like to make a person jump right out of her skin."

Many Americans have heard occasional sonic booms—perhaps suspecting a nearby explosion—but with regularly scheduled supersonic transport aircraft just around the corner, how will the populace react to regular, dish-rattling booms?

Should air traffic be allowed to fly supersonic over centers of population? Will people stand for it? Will booms damage property—breaking glass, shattering china, and cracking plaster? Will they damage health by unduly startling people with heart or neurological ailments?

Or can most people become accustomed to sonic booms?

Captain Short's sonic boom over Oklahoma City was designed to supply some of the answers.

REASON FOR TESTS

It was the first of eight sonic booms scheduled for the 20th day of Operation Bongo, the most extensive experiment in aviation history—and probably the most irritating.

Through this unprecedented test, the FAA and the National Aeronautics and Space Administration are trying to determine the effects of repeated sonic booms on people, animals, and buildings.

On the data obtained from this experiment may depend the design and flight patterns of tomorrow's supersonic jet transports—the SST aircraft now being developed by Great Britain and France, the United States and the Soviet Union.

Operation Bongo started here February 3. It will continue until July 4 unless it is stopped by a court injunction or by political pressure.

One suit to halt the experiment is pending in the U.S. district court here. Another is threatened. So far, most Oklahoma Cityans and suburban dwellers in range of the booms accept them with good-natured resignation.

THEY'RE EXCITING

"Oh, they're exciting," said a pretty secretary. "I get up with the first boom (at 7 a.m.) and I'm out of the shower with the second (at 7:30 a.m.). That's how I know when I'm late."

"I think this will put Oklahoma City on the map," said a real estate agent. "We need some kind of boom around here."

But there is a rising tide of opposition—based mainly on annoyance. Much of it stems from citizens' resentment that they were made guinea pigs in the experiment without being consulted.

FAA has received about 2,000 complaints about the booms. They are alleged to have broken windows, cracked plaster walls, stopped hens from laying eggs, frightened children, and, in one case, prevented a lady from being able to tune in channel 5 on her television set.

However, only 17 complainants have filled out affidavits of damage on the form 95, which the FAA supplies for that purpose.

ANIMALS JUMPY

At the city's Lincoln Park Zoo, Director Warren Thomas said the booms made the animals jumpy. A farmer at El Reno, a nearby town, said he observed a tom turkey chasing a hen when a boom struck. The tom never broke stride, he said.

"I think it's a disgrace we don't have a chance to vote on this question," said a housewife in a newspaper letter.

FAA officials don't quite know what to make out of the mixed bag of complaints. Project Chief Power stated that not a single instance of structural damage resulting from booms has been found.

Sonic boom is a law of nature and the inevitable consequence of supersonic flight in the atmosphere. It is produced by an airplane flying at or faster than mach 1, the speed of sound.

At sea level when the temperature is 59° F., mach 1 is 770 miles an hour. This varies with altitude and air temperature. At 65,000 feet, where the Anglo-French SST, the Concorde, will fly, mach 1 is only 660 miles an hour.

WHY IT BOOMS

The boom effect is caused by an aircraft pushing air molecules out of its way faster than they can disperse through other air molecules.

The molecules being pushed bunch up or compress in a wave, which is at higher pressure than the surrounding air.

It is called a wave of overpressure, and it resembles water waves flowing out from the bow of a ship.

The waves flow slantwise to the ground from the aircraft in widening cones.

At ground level, the overpressure is heard as a sharp detonation.

CAN'T PREVENT IT

There is no way of preventing sonic boom by an aircraft flying at or above mach 1. But the loudness of the boom can be controlled by keeping the pressure down to 2 pounds or less.

This can be done by the design of the aircraft, its "angle of attack" or position in which it flies, the manner in which it is piloted, and by adjusting the speed to atmospheric conditions.

Since the boom is heard usually within an area of 10 to 15 miles on either side of the flight path, the route of a supersonic transport becomes a principal factor in control.

In the $16,000 bungalow at 919 Kenilworth Drive in Oklahoma City, 15 strain gages and 15 accelerometers measure the impact of the booms on the sheetrock wallboard and 2-by-4 studs. Windows, mirrors, fancy glass, radios, and television are checked daily.

In 20 days of booms at overpressures of 1 and 1½ pounds per square foot, no damage has been detected here or in three other houses similarly "bugged" by the FAA and NASA.

The next step is to raise the overpressure to 2 full pounds. Booms will be louder, more jarring.

The people of the Oklahoma City metropolitan area are not simply guinea pigs. They are judges, for their response in Operation Bongo will define in large measure the boundaries of commercial flight in the supersonic age ahead.

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## THE WHEAT-COTTON BILL

The SPEAKER pro tempore (Mr. PRICE). Under previous order of the House, the gentleman from Missouri [Mr. CURTIS] is recognized for 10 minutes.

Mr. CURTIS. Mr. Speaker, as I announced under the 1-minute rule this morning, I take the floor to discuss some aspects of the procedures of the House under which we are going to consider after the Easter recess what is known as the cotton-wheat bill.

I was quite interested to note that the chairman of the Committee on Agriculture, the gentleman from North Carolina [Mr. COOLEY] took the floor of the House under special order to discuss the wheat-cotton bill. I was glad he did. But it clearly demonstrated in the process the inadequacy of the procedures that are gonig to be utilized by this House to consider and discuss this very important measure that will be before us.

I regret the gentleman from North Carolina [Mr. COOLEY] is not on the floor at the present time, and did not have time to yield to me. He stated in the process of his remarks that he hoped I, the gentleman from Missouri, would utilize some time during the Easter recess to study the wheat bill. I shall do so. I have studied it to some degree, and I hope the rest of the Members of the House will too, but I point out again the fact that under the rule that would be proposed this House would not have the opportunity in the well of the House to exchange views. That is the purpose of debate and discussion, and that is the purpose of the entire congressional system.

Here is the point I was making to the majority leader, the gentleman from Oklahoma [Mr. ALBERT]. I regret I do not see him present, although I asked him if he would be present when I took this 10 minutes, because twice when I sought to interrogate him on the floor and engage in colloquy on this point, he refused to yield. That is no way to exchange viewpoints. I can be in error on my point of view, but the way to hammer these things out is to have an open exchange of views. That is the purpose of the well of the House, that is the purpose of the congressional system.

The gentleman from Oklahoma [Mr. ALBERT], the majority leader and I must say the leadership of the House, falls back as a defense for this procedure under which we will debate the wheat-cotton bill, that the will of the majority should prevail. There is no question about our complete agreement on that point in the House. I more so probably than many of my colleagues feel, some of the procedures we have established in the House to preserve the process of debate and discussion perhaps have been unwieldly and have to some degree undoubtedly delayed the majority in reaching a determination on some of these matters. So there is no question about the agreement that the function of the House and indeed the Congress is to have the majority work its will. The whole question, though, is: How does the majority work its will?

Under our traditions, under our rules, indeed, under our Constitution, the idea is to reach these decisions of the majority after full discussion, after full study, after debate, and that debate usually, I suggest, does include the right to amend. Our rules of the House are written to make these provisions.

The gentleman from Oklahoma has pointed out that this procedure under which we will debate the wheat-cotton bill is provided in the rules of the House itself and therefore he uses that as an argument for justifying it. Yes, the majority in the House can work its will at any time and it can, if the majority decides, ride roughshod over the minority. But I might say that is clear proof that the arguments that I have heard so often from the majority leadership in the House that matters have been held up in the Rules Committee preventing

the majority from working its will were without foundation. The truth is that the things that were held up in the Rules Committee were things that the majority leadership either knew they did not have the majority vote for or, for various reasons, decided they did not want it on the floor of the House for debate and discussion.

Back in the days when we had this debate over the enlargement of the Rules Committee, as many will recall, I was one on our side of the aisle who said that if the majority leadership wanted to enlarge the Rules Committee on the ground that they could not work their will in the Rules Committee, I for one would recommend to my colleagues on the Republican side of the aisle to go along, not that I agreed with them; quite the contrary. I felt it was a specious argument. I felt that the Rules Committee never had the power and does not have the power today to block legislation from coming on the floor of the House, because we have had procedures clearly set out under the Calendar Wednesday Rule so that this can be done and the majority can work its will.

But I said:

OK; let them have the enlarged Rules Committee, and then let them explain to the people of this country why matters remain held up in the Rules Committee.

This did prevail and, I might say, it did prevail because I was able to persuade enough of my colleagues on this side of the aisle to give the necessary votes so that the Rules Committee was enlarged. But at the time I was debating this matter in the well of the House I said I was really concerned about what might be the real purpose in mind behind the enlargement of the Rules Committee. Far from trying to help the House of Representatives work the will of the majority, it looked to me as if this might be an attempt to gain power to abuse this principle of representative government of adequate debate and discussion before the majority should work its will.

I referred back to the New Deal days, in the first 100 days of the New Deal, when the Rules Committee was used as a technique to bring out gag rules so that the House was unable to fully debate and discuss and amend these important measures, so that the executive branch of the Government was able to whip up a propaganda campaign around the country, going directly to the people in disregard of the theory of debates and the congressional process. I said that maybe was in the minds of these people who claim that their idea is to let the will of the majority prevail; maybe what we are going to see coming out of the Rules Committee is more of these gag rules. And I say today it is very obvious that this power has been used for this purpose.

The only defense that can possibly be made for bringing the wheat-cotton bill out on the floor of the House under this rule is not that the House does not have time to debate the matter.

But here we are the day before the official Easter recess doing nothing but going through special orders and we have a whole week of recess. So it is obviously not a lack of time but a lack of desire of the leadership of the House to bring this matter up so that it can be adequately and fully debated, and with the possibility of amendment so that we could get proper legislation.

Yes, there is a practical political matter and this is a real contrast because in the other body we have just the opposite going on where under the rules of the other body a real filibuster can be conducted and a willful minority can prevent or hold up the actions of the majority on legislation. That is the reason behind hampering the House of Representatives from debating at all a matter that has nothing to do with this subject. It is a very poor reason I suggest for the political party that is in dominance of both these Houses of Congress and the executive branch of the Government. Yes, indeed, I feel deeply that this rule that is coming out hits at the very heart of representative government and will destroy it.

## REPORT ON CIVIL DEFENSE MATTERS

The SPEAKER pro tempore (Mr. PRICE). Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 20 minutes.

Mr. HOLIFIELD. Mr. Speaker, my deep concern about the failure of the Federal Government to set a clear course for an effective civil defense program is well known to the Members of the House. I will not now repeat the reasons for my concern because I have done so on many other occasions.

Last September, the House had an opportunity to work its will and to record its endorsement of a national fallout shelter program when it passed H.R. 8200. It followed the wise counsel of the Armed Services Committee, under the distinguished leadership of its chairman, the gentleman from Georgia [Mr. VINSON], and his able deputy in charge of the subcommittee which held hearings on the bill, the gentleman from Louisiana [Mr. HÉBERT]. Unfortunately the other body has deferred action on H.R. 8200. The decision to defer was made by the Chairman of the Senate Armed Services Subcommittee which held hearings on the bill, announced in a letter dated March 4, 1964, and made public shortly thereafter.

The failure of the Senate to act on this important civil defense legislation and the departure of the Honorable Steuart L. Pittman from his post as Assistant Secretary of Defense for Civil Defense are two events closely related in time and subject to possible misunderstanding. I want to give this House my view of the situation, because I do not believe that it signifies defeat for a Federal civil defense program. I have examined into the background of these events, and I shall make certain observations both about the legislative situation and about Mr. Pittman's decision to leave the Government.

First of all, the chairman of the Senate subcommittee which considered H.R. 8200 made it clear in his letter of March 4 to Secretary Pittman that action was being deferred on the civil defense bill only "for the present" and on the basis of "several factors not necessarily related to the substance of the bill."

The chairman of the Senate subcommittee took the position in his letter that ballistic missile defense and the shelter program were closely tied together and that decisions affecting both defense areas "should be similarly related."

In one sense, this statement can be construed as an affirmation of the significant interrelationships of civil defense and other defense programs in the total defense posture of the Nation. Certainly there should be no disagreement with that. On the other hand, if the sense of this statement is to tie the future of civil defense to highly costly and complex defense systems which may never get beyond the research and development stage, then I believe we are making a fatal mistake.

The testimony of Defense Secretary Robert S. McNamara before the House and Senate Armed Services Committees describing the defense outlook for the next 5 years and the budgetary requirements for fiscal year 1965, throws light on this whole subject. Secretary McNamara devoted one whole section of his lengthy presentation to civil defense. He gave a status report on the civil defense program and emphasized that it was an integral and essential part of the total defense posture. It was his considered judgment that a well planned and executed nationwide civil defense program centered around fallout shelters could contribute much more, dollar for dollar, toward the saving of lives in the event of a nuclear attack upon the United States than could either the strategic striking forces or the continental air and missile defense programs. This is not to say that civil defense is more important than our striking forces as a deterrent to nuclear war. The point of the statement is that for a given number of dollars, civil defense buys many more lives than other defense systems. This is indeed an important finding, to be kept constantly in mind; and it suggests at once that civil defense deserves priority attention, not postponement until a whole range of other costly and complicated decisions are made.

In the part of his testimony dealing with antimissile defense, Secretary McNamara pointed to the heavy costs of research, development, production, and deployment under the Nike X program, which is still in the R. & D. stage. His conservative estimate was $16 billion for putting down one possible Nike X system, and substantial additional amounts each year for operation and maintenance. Far more important than the heavy costs, Secretary McNamara added, was the fact that the effectiveness of a ballistic missile defense system for saving lives depended to a large part upon an adequate civil defense system. Without adequate fallout shelters, the

enemy could target its missiles at points outside the defended areas and kill the people by fallout.

For this reason, Secretary McNamara said in his testimony, and here I am quoting:

> For this reason, the very austere civil defense program recommended by the President * * * should be given priority over procurement and deployment of any major additions to the active defenses.

You will note here what I have already suggested, that civil defense deserves priority. Civil defense is requisite to expansion of antimissile defense. But civil defense is valuable and necessary in its own right. Civil defense is a far more economical lifesaving measure than equivalent dollar additions to strategic retaliatory or active defense systems. Civil defense, that much scorned and derided activity, is a good buy, a good bargain, if we may use these words in talking of such precious commodities as the lives of the people, the life of the Nation.

I dare to hope, therefore, that civil defense will not be relegated to the heap of unsolved problems and deferred until such time as every vexing defense problem is ready for solution. Civil defense should be first in time and is, in fact, least in cost. It is the quickest and best lifesaving defense system we have for the immediate future. I trust that the committee of jurisdiction in the other body will consider the matter in this light, and that the Secretary of Defense will make it crystal clear in his next posture and budget presentation to the Congress that action on civil defense is imperative.

We can take a note of encouragement from a public statement Secretary McNamara issued a few days ago in which he said:

> I foresee a firm and high priority for civil defense as an integral part of our national security effort.

He went on to say that the administration would press its civil defense program as the lowest cost possibility for saving lives under nuclear attack, whether the strategic forces package to be presented next year is large or small.

Referring again to the March 4 letter of the Senate subcommittee chairman, I am pleased to note that he has described the current civil defense effort under Mr. Pittman's leadership as "well managed," with "well defined and practical objectives." A similar conclusion was reached after hearings by the Military Operations Subcommittee of the House Committee on Government Operations in 1962 and by the House Armed Services Committee last summer.

I have talked with Steuart Pittman about his resignation and there is no question about his motives. He was able to undertake the assignment only on the understanding that he could return to his law practice after 2 years, and he has overstayed by 6 months because the shelter bill was pending. He tells me that the only reason that would have led him to change his plans would have been failure to bring the civil defense program out of the woods. His cautious optimism that a new civil defense program has been firmly launched appears to me to be justified. A shelter system for 70 million people is in the advanced stage of preparation and has made possible a new realism in civil defense organization, training, and planning. Civil defense planning has been effectively tied in to military planning.

Military operations and organization are taking on a capacity to supplement and support civil defense. State and local civil defense has adjusted successfully to a more unified and coherent national effort. These achievements are the direct result of a new professional competence in the management and leadership of civil defense. This change has been brought about by Secretary Pittman and the able staff which he has assembled.

I want to say a word about Steuart Pittman, whom I have come to know well both personally and professionally during his 2½ years in office. During the House debate on the shelter bill, this man was given his due by unusually laudatory comments from many Members of the House. So what I have to say is not new to you. I can think of no more difficult and lonely high post in Government than heading civil defense. It requires a selfless man who is not discouraged by the difficulty of communicating with the public, with Congress, and even with his colleagues in Government who are on a different wavelength, which does not readily admit the possibility of disaster. It also requires exceptional management ability and imaginative programing to get things done under the kind of loose civil defense organization which we now have in the United States.

Steuart Pittman leaves his post with the high regard of the President, the Secretary of Defense, and the key people in this administration. He is widely respected by the Congress as a uniquely able public servant, who has changed many minds about the need for civil defense. While the newpapers and columnists of the country have done their share of ridiculing and doubting civil defense, they have consistently recognized Steuart Pittman as the kind of man who contributes more than he gets from public service.

For my part, I think it is one of our great problems that the Government does not offer a career which brings men of this kind of integrity and ability to higher responsibility and keeps them there. However, I am confident that Steuart Pittman will be persuaded to participate again in a vital way in public affairs and I am glad his law practice is in Washington where his advice and experience will be readily available to the Government.

Finally, I want to say that I hope and expect that Secretary McNamara will see the high priority for civil defense, which he has publicly predicted, translated into action on a nationwide shelter system, backed by firm Federal leadership and support. Evidence of the priority for civil defense at the point of critical action on legislation and appropriations has not been entirely convincing to date. Congress will do its part when the President and the Defense Establishment make it clear that this program is vital and can be delayed no longer.

## THE GOLENIEWSKI CASE

The SPEAKER pro tempore (Mr. PRICE). Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, I was present on the floor today when our colleague, the gentleman from Illinois [Mr. ARENDS], my friend, delivered his remarks in defense of CIA. I listened with great interest to his analysis of the Michal Goleniewski case, his charge of irresponsible journalism placed against the New York Journal American for its series of articles on this case, and his statement that the CIA Subcommittee of which he is a member went into every aspect of this case.

I want to make it clear I have no intention to enter into the dispute between my colleague from Illinois and my colleague, the gentleman from New York [Mr. LINDSAY], over the article by the latter on CIA which appeared in Esquire magazine, which I have not had an opportunity to read. Nor do I desire at this time to engage in the issue over the necessity of a joint committee for the oversight of CIA, the case stated by the gentlewoman from New York [Mrs. KELLY].

What I am concerned about is the blanket statement made by my colleague from Illinois concerning the Michal Goleniewski case as reported in the New York Journal American. Let me quote the particular statements in my colleague's remarks which give me concern:

> I might add that the CIA Subcommittee of which I am a member, went into every aspect of this case. I am personally satisfied that the publicized statements purported to come from Michal Goleniewski are not correct. The information as reported in the press is not in agreement with the information Michal Goleniewski has made available to many departments of Government.
>
> Stories such as have been circulated on this case display a reckless regard for the truth. They can be harmful, and those who circulate them do a great disservice to maintaining public confidence in the CIA.

By his statements the impression is created that my colleague and other members of the CIA Subcommittee are completely informed on all the facets and implications of the Goleniewski case. I question the accuracy of that statement, not because I question the integrity of my colleague and friend, but because I am convinced that if he and the other members of his subcommittee were completely informed on all the facets and implications of this case he would not have delivered the remarks he has made today. I say this because I have confidence in the gentleman from Illinois and all the members of the Subcommittee on CIA, of which he is a member. That confidence is based upon the hard road of experience and the proven integrity and dedication of all the members of the subcommittee. That is not the issue in the Goleniewski case. To raise that issue

or to have it interjected by others can serve no other purpose but to confuse the real issue which goes to the heart of the safety, the security, and the future happiness of all the people who elect their Representatives to Congress.

A great and dedicated American, Al Smith, used to say, "Let's look at the record"—or at least part of the RECORD today.

My colleague, the gentleman from Illinois [Mr. ARENDS], discusses the Goleniewski case, but what he leaves out is far more important than what he has said.

In an earnest effort to assist him and the other members of the House CIA Subcommittee, I present the following questions for consideration by the members of that subcommittee.

First. Have the members of the subcommittee personally interviewed Michal Goleniewski and if they have had that opportunity, how much time was spent with him and to what extent was he questioned with respect to political intelligence and Russian KGB agent infiltration into the vital organs of our Government?

Second. If the members of the House CIA Subcommittee have probed deeply into KGB agent penetration of the vital organs of our Government, are the members satisfied that everything that needs to be done has been done by the security arms of our Government to ferret out and prosecute the guilty?

Presuming the members of the House CIA Subcommittee have interrogated Mr. Goleniewski in depth, which I sincerely hope is the case, I raise these additional questions:

First. Is it not true that Goleniewski, who defected to the United States in 1961, had revealed deep penetration into the CIA by Russian KGB agents?

Second. Is it not true that Goleniewski has told how over $1 million of CIA funds fell into the hands of the Russian KGB and about $400,000 of this money was pumped back into the Communist Party, U.S.A., to pay for their operations to destroy our country?

Third. Is it not true that Michal Goleniewski has been discouraged by certain CIA officials in his efforts to present what he calls political intelligence and which he regards as essential to the defeat of international communism?

Fourth. Did Goleniewski name Russian KGB agents in both the State Department and CIA and state that to date none of these agents have been arrested or prosecuted?

I regret exceedingly that limitation of time under the special order permitted to my good friend, the able and distinguished minority whip, the gentleman from Illinois [Mr. ARENDS], did not afford any time for me to ask him questions and to hear his response. After his remarks I spoke to my friend, the gentleman from Illinois [Mr. ARENDS], and advised him that I would request time to address the House to raise a number of questions concerning the Goleniewski case. I have raised those questions. They are serious questions. The American people have a right to hear forthright answers to those questions. I hope they will be answered.

There is no question about CIA being one of the most important agencies of our Government, particularly during this period of international uncertainties and anxieties.

The CIA can be used for immense good or terrible evil. The CIA can be used to save this country from the tyranny of communism or it can be used to deliver this Nation into the bonds of communism.

The CIA can be used to waste millions of dollars of taxpayers money and lose countless millions of lives, or it can be used to save nations and this country from the dread yoke of communism.

The CIA can be useful through good and accurate intelligence estimates to guide U.S. policy decisions to victories over communism or, through slanted intelligence estimates, to take this country down a road of appeasement until there is no other choice but all-out nuclear war or surrender.

These are not only critical times, but these times are decisive for our country, for the cause of universal freedom, for the cause of a just and lasting world peace.

It is time that Congress faces up to its responsibility and obtains the answers—the full story of Russian agent penetration of our Government.

Mr. Speaker, as a man who believes in the message of Holy Week, I am an optimist. But I also believe it is high time we weeded out of our Government all those who wear the cloak of Judas so that we can freely spread the great message of American liberties, freedoms, and individual dignity throughout the world.

## THE CONSUMER AND THE ECONOMY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 30 minutes.

Mr. RYAN of New York. Mr. Speaker, believing that widespread citizen involvement in public affairs is essential in today's world, I have said often that Members of Congress have a special responsibility to bring substantive issues to their communities for discussion. Every effort must be made to encourage the individual citizen to participate in government and to make his voice heard.

Since my election to Congress, together with the Reform Democratic Clubs of Manhattan's West Side, I have sponsored an annual all-day community conference. Our nonpartisan conferences provide a unique opportunity for a sharing of knowledge and ideas on major issues.

On February 1, 1964, we sponsored our fourth annual all-day conference. This year's topic, "The Consumer and the Economy," attracted more than 1,000 concerned citizens who attended the 6 panels and the plenary session at International House. As in past years, the enthusiastic response demonstrated that this effort to bring together citizens, Government officials, labor and business representatives, university professors, and other experts produces a stimulating forum. The cross-fertilization engenders new thinking and fresh approaches which are vital in a democratic society.

Mr. Speaker, we owe a deep debt of appreciation to Senator Philip A. Hart, of Michigan, Prof. John Kenneth Galbraith, our former Ambassador to India, and George Collins, acting secretary-treasurer of the International Union of Electrical, Radio, and Machine Workers, for their contributions to the plenary session and to the experts who participated in the panels. Among the outstanding panelists were: Paul Rand Dixon, Chairman, Federal Trade Commission; George P. Larrick, Commissioner, U.S. Food and Drug Administration; William Capron, President's Council of Economic Advisers; and J. A. Stockfisch, Deputy Assistant Secretary, Treasury Department.

The participating clubs were: Ansonia Independent Democrats, F.D.R.-Woodrow Wilson Democrats, Fort Washington-Manhattanville Reform Democrats, Heights Reform Democrats, J.F.K. Midcity Democrats, New Chelsea Reform Democrats, Reform Independent Democrats, Riverside Democrats, West Side Democratic Club, and Columbia-Barnard Democratic Club.

Mr. Speaker, I want to thank and congratulate Hermine Brucker and Daniel J. Nelson, cochairmen, whose tireless efforts and leadership made the conference such a success. I also want to express my appreciation to all those who worked along with them, including Janet F. Schmidt, secretary; Ira Zimmerman, treasurer; Susan Cohn, club coordinator; Judith Charles and Carmen Pertierra, publicity; Sara Silon, arrangements director; Robert V. Engle, program design; the club representatives: Frank Baraff, Barbara Blake, Daniel Chill, Robert Clampitt, Gerald Duffy, Daniel Livingston, Eileen Lottman, Leonard Plato, and Emil Schattner; the panel chairmen: Max Dombrow, Noel Ellison, Andrew Goldman, Marvin Lieberman, Kurt Salzinger, Morton Schiff, and Irving Wolfson.

I would also like to note the valuable services of the West Side public officials who acted as moderators of the various panels: State Senator Manfred Ohrenstein, State Assemblymen Albert Blumenthal and Jerome Kretchmer, and City Councilmen Theodore Weiss and Paul O'Dwyer. Mrs. Matilda De Silva of the Department of Labor, Commonwealth of Puerto Rico, also served as a panel moderator.

In order to make sure that the program would be open to the public without charge, a large number of community sponsors generously responded, indicating that the people of the West Side are proud to support the annual conferences.

Mr. Speaker, it is not possible to mention all of the individuals who have worked to make our conferences possible. However, I know that without the incredible energy, devotion, and commitment of the late Gertrude Miller who pioneered the earlier conferences, this year's forum would not have been so successful.

Mr. Speaker, I include at this point in the RECORD an article reporting the address of Senator HART and Professor Galbraith at the plenary session which

appeared on February 6, 1964, in the Morningsider, the weekly community newspaper published in the Morningside Heights area:

[From the Morningsider, Feb. 6, 1964]

GALBRAITH URGES BATTLE AGAINST "HUMBUG"

John Kenneth Galbraith, the Canadian-born Harvard economist who has written, talked, or provoked much of the liberal dialog in America during the past 25 years, agitated Saturday in a talk at International House for a "revolution against humbug" in American life, intellect, politics, and foreign policy.

Professor Galbraith and Senator PHILIP A. HART, Democrat, of Michigan, addressed an all-day public conference on "The Consumer and the Economy," sponsored by Congressman WILLIAM F. RYAN, the Riverside Democrats, and nine other West Side Democratic clubs.

Congressman RYAN, who was scheduled to address the conference, stayed in Washington Saturday to participate in House debate on pending civil rights legislation. His wife, Priscilla, delivered his speech for him.

Professor Galbraith, who returned to Cambridge last year after serving 3 years as U.S. Ambassador to India, spoke despite an attack of influenza and a stuffed nose.

Hardly referring to his prepared text (which was on The Problem of Poverty), the 55-year-old author of "The Affluent Society" and former Fortune magazine editor, spoke to a standing-room-only assemblage of over 850 in the International House auditorium. A total of nearly 1,100 people turned out for the conference.

Professor Galbraith said that liberals and sensible people must wage a never-ending battle against humbug and profiteering in the political and economic establishments. He said he was delighted that a new generation of muckrakers led by such writers as Rachel Carson and Jessica Mitford were publishing disagreeable books.

"These people name names," he said. They are not afraid, he continued, to offend "General Motors, General Sarnoff, General Clay, or any of the other generals."

"We must show that horrid noises will come from sensible people * * * when concessions are made to the cave dwellers."

In a rambling talk, Professor Galbraith evoked laughter and applause with digressions on Panama ("we try to merchandise our errors and omissions as the machinations of the Communists. Castro has been responsible for everything that happens"), Goldwater ("poverty it would seem is caused by ignorance, lack of ambition, and failure to own a department store"), Rockefeller ("I have great sympathy for Nelson * * * 4 or 5 years ago he was for everything the establishment was for * * * now he's being advised (not even) to talk about home and mother"), and Members of the U.S. Senate ("I would like to see a study made of the effect of age on legislative performance.")

"Tokenism," Professor Galbraith said, "is an extension of humbug. (We cannot) close our eyes to * * * the bypassed people, the people who have been left in poverty."

In the past, we have hoped that a general increase in economic activity—a stepping up of the growth rate—would solve the problem. We have come now to realize that people can benefit from improved economic conditions only if they are able to participate in the economy. This means that they must be physically and mentally prepared. They must be in communities where there are job opportunities and they must not be denied opportunities because of race.

"The attack on poverty must be part of a new and enlarged concern for the quality of our public services. * * * It is the poor who need parks and whose children need swimming pools. Only the poor live in the slums and require the myriad of services that, we may hope, will one day mitigate urban congestion and public squalor * * * it is the schools of slum dwellers and wage and salary workers which would be principally improved by Federal aid to education. * * * It is the poor children who play in dirty streets. It is their fathers who get laid off when public works are suddenly cut back.

"Public services have, to use the economists word, a strong redistribution effect. And this effect is strongly in favor of those with lower incomes. Those who clamor the "loudest for public economy are," Professor Galbraith continued, "those for whom public services do the least. It is evident that tax reduction that affects public services has a double effect in comforting the comfortable and afflicting the poor."

Senator HART said that free competitive enterprise was present in the United States "more in theory than in practice."

"Advertising, promotional efforts, gimmickry and adherence to costly systems of distribution offer the consumer no substitute for price competition. The consumer must ultimately bear and pay for these costs.

"In the pharmaceutical industry, for example, it has been estimated that the $750 million for promotion to doctors alone ultimately may add more than a billion dollars to consumers' bills.

"One physician who appeared as a witness in the hearings of (my) Subcommittee on Antitrust and Monopoly stated that the postage bill alone for the material mailed to physicians would build at least three large hospitals a year, and the annual cost of the advertising which went into physicians' wastebaskets could probably build and equip five hospitals.

Mr. Speaker, I am sure my colleagues will be interested in reading the excellent speech of Senator PHILIP A. HART, chairman of the Senate Antitrust and Monopoly Subcommittee, in which he discusses the effects of nonprice competition in today's economy:

REMARKS OF SENATOR PHILIP A. HART, DEMOCRAT, OF MICHIGAN, TO THE FOURTH ANNUAL WEST SIDE CONFERENCE, NEW YORK, N.Y., FEBRUARY 1, 1964

Nearly 200 years ago an English economist, Adam Smith, propounded a then revolutionary doctrine that the "Wealth of Nations" is best advanced through the operation of a system of free, private enterprise, in which prices are arrived at through vigorous competition among rival producers.

From that seed our own complex economic system has developed with its emphasis on vigorous price competition in free and open markets. The concept was enshrined in our antitrust laws which attempt to insure that prices will be freely arrived at without unreasonable restraint either by way of unfair trade practices, the exercise of monopoly power or combinations or agreements having as their object the placing of chains on an open market.

Yet today this foundation upon which our free enterprise economy is based may be sinking—although slowly—into a quagmire of nonprice competition.

Many forms of nonprice competition perform a useful role in our economy, but they should not become or be considered an acceptable substitute for price competition. For instance, advertising and packaging of consumer goods, when utilized for socially useful purposes, perform vital functions.

But my concern over nonprice competition stems from the fact that it may, on occasion, prevent the price system from performing its traditional and essential functions in our free enterprise economy. In many instances nonprice forms of competition tend to strike at the rational basis for consumer choice. The buyer many times is required to make his choices only on the grounds which the sellers permit—alternatives in physical appearance, packaging, service contracts, or advertising claims and other forms of sales promotion. Thus, in the packaging hearings I held for the Senate Antitrust and Monopoly Subcommittee, I was struck again and again by the roadblocks placed in the path of anyone who tries to buy the simplest forms of consumer goods on the basis of price. The American housewife is an intelligent woman, but this isn't enough when she walks into the supermarket today. Without an engineering degree and a slide rule in her pocketbook, often she simply cannot determine how much she is paying, per ounce or per pound, for anything from cereals to soap flakes. The consumer is faced with a bewildering array of packages in such a variety of sizes, shapes, weights, and possibly degrees of "slack filling" that accurate price comparisons become difficult, if not impossible—particularly if compounded by a net weight designation which can't be found. In this way consumers are forced to rely upon the nonprice competitive efforts of manufacturers who seek to avoid even the appearance of price competition.

In a recent Federal Trade Commission case which involved the packaging methods of a manufacturer of gift-wrapped material, Commissioner Elman had this to say:

"For a seller to package goods in containers which—unknown to the consumer—are appreciably oversized or in containers so shaped as to create the optical illusion of being larger than conventionally shaped containers of equal or greater capacity, is as much a deceptive practice and an unfair method of competition, as if the seller were to make an explicit false statement of the quantity or dimensions of his goods."

Even where there is an appearance of price competition, the appearance itself may be deceptive. One of the charges against the manufacturer in this same case was that he had pretricketed his merchandise with fictitious prices so that retailers could have sales which supposedly offered great bargains to the consumer. The manufacturer made no effort to deny the charge; instead he contended that, since practically every company in the industry engages in the same misleading practice, it was unfair to single him out for complaint. These forms of nonprice competition serve only the sharpshooting manufacturer or producer at, literally, the expense of the consumer.

Another adverse characteristic of nonprice competition from the standpoint of the consumer can be its great cost for which the consumer, not the seller, must pay. The most dramatic examples of this cost were found in the course of the Antitrust and Monopoly Subcommittee's hearings on the prescription drug industry, in which the manufacturer's selling efforts are directed toward inducing the physician to prescribe by his particular trade name. Twenty-two of the largest drug companies provided data on their 1958 operations to the subcommittee. In that year their combined total of advertising and promotional expenses came to nearly $600 million. It was estimated that the total for the whole industry would have been at least $750 million in 1958, and probably the figure has risen substantially since then.

One physician who appeared as a witness in the hearings of the Subcommittee on Antitrust and Monopoly stated that the postage bill alone for the material mailed to physicians would build at least three large hospitals a year, and the annual cost of the advertising which went into physicians' wastebaskets could probably build and equip 50 hospitals. He suggested that: "It would take two railroad mailcars, 110 large mailtrucks, and 800 postmen to deliever the daily load of drug circulars and samples to doctors if mailed to one single city. Then after be-

ing delivered, it would take over 25 trash trucks to haul it away, to be burned on a dump pile whose blaze would be seen for 50 miles around."

Another physician pointed out that the amount the industry spent to persuade doctors to prescribe its products was nearly four times the combined operating budgets of all of the medical schools in the country.

The cost of nonprice competition to the consumer is sometimes staggering. Everyone recognizes the producer's need for advertising and marketing the sale of his products. But advertising, promotional efforts, gimmickry, and adherence to costly systems of distribution offer the consumer no substitute for price competition. The consumer must ultimately bear and pay for these costs. In the pharmaceutical industry, for example, it has been estimated that the $750 million for promotion to doctors alone ultimately may add more than a billion dollars to the consumers' bills as the specific markups over cost are added at the various levels of distribution. And if we follow this chain of reasoning through industry after industry, it becomes clear that much of the increase in the cost of living might well be caused by the increased cost of nonprice competition.

As indicated, the reason is that this is a form of competition in which the consumer reaps few benefits when compared to the in-pocket savings which price competition would provide. Nonprice competition also frequently works to the disadvantage of the small competitor, no matter how efficient he may be. Victory in some forms of nonprice competition may go not to the firm with the lower costs or the best product, but to the company which can spend the most on advertising, sales promotion, model changes, etc. In this kind of race the smaller competitive producer can seldom win. And as the smaller competitor loses his share of the market, another element tending to keep prices down disappears. The threat of market entry by new firms, the spur to keeping prices down where many independents are vying for a share of the market, diminishes as concentration in a given product market grows. And concentrated industries, in turn, can use their monopoly power to take even larger shares of the market through nonprice competitive techniques.

In fact, by your purchases you may be subsidizing a rise in your own cost of living.

Contributing to the decline of price competition and the emphasis on nonprice forms of competition is a practice called price leadership. It occurs, most often, in highly concentrated industries or in industries where one firm occupies a dominant position.

The leading firm establishes a price for the product which may or may not have a relationship to supply or demand, the classical regulators of the market. The other firms follow suit. The prospective buyer is faced with a single price for the product or finding a substitute. When this occurs in basic industries, the latter choice is not always readily available.

In this situation, rather than market forces controlling competition, the competitors are controlling the market.

Reference to the subcommittee hearings on administered prices in the steel industry may help to illustrate this problem.

As brought out in the hearings, before the formation of United States Steel in 1901, price competition in steel was the rule rather than the exception. Although efforts were sometimes made to control the market through loose pools or gentlemen's agreements, they generally broke down when demand fell off. It is true that prices rose when the steel business was booming, but it is equally true that prices would fall sharply whenever the demand for steel dropped much below the industry's production capacity.

The reasons for this were clearly stated by the U.S. Commissioner of Corporations in 1911: "In 1890 there were scarcely any consolidations of the modern type in the steel industry. [The industry] was characterized by the competition of a large number of independent concerns * * *. These concerns were distinct entities with respect to ownership."

The formation of the United States Steel Corp. in 1901 changed the industry's structure. Here, for the first time, was a company which—through control of ore and coal supplies, transportation facilities, pig iron, ingot, semifinished and finished steel capacity—was able to dominate the whole industry.

Since that time United States Steel's ability to "set the pace" has remained unchallenged. In 1936 the president of United States Steel could say, with great confidence, to Senator Burton K. Wheeler: "I would say we generally make the prices."

The bout between the late President Kennedy and the steel industry rather dramatically highlighted what I am talking about. At that time the forcefulness of a strong President caused the steel industry to backtrack. Since that time, however, selective price increases have been quietly at work.

Let me emphasize that there is nothing illegal involved in price leadership in and of itself. Nor do I intend these remarks to be a condemnation of the steel industry. So long as others are doing the same thing and the method of pricing does not violate the law, a good argument could be made out for this form of pricing by industry leaders.

The point is that our free enterprise economy does not work according to the classical model on which it is based. If the standard of price-leadership dominates pricing in basic materials. it can result in the consumer paying more for the finished product and lead to even greater reliance on nonprice forms of competition.

It is important that we be aware of these competitive forces at work in our economy and how they reach into the pocketbook of the consumer. It is important that we not close our eyes to economic reality and assume that the market is regulated in all cases by forces that, in fact, do not exist. It is important that we realize that the theoretical foundation of our free enterprise system may be present more in theory than in practice.

Having said this, I confess that I do not have the answers. But as chairman of the Senate Antitrust and Monopoly Subcommittee, I can assure you that we will search assiduously for answers consistent with economic freedom. Certainly recognition of reality is the first step to finding solutions.

And I hope that I have also indicated that the antitrust laws are not a vague collection of rules about which only manufacturers and businessmen need be concerned.

The form of our antitrust laws and their administration directly affect every consumer. And the effect is concrete, not theoretical. The effect determines to a great extent how much your dollar will buy. And the buying power of the consumer dollar is in the long run what the antitrust laws are all about.

If I have confused rather than enlightened, let me say that this entire sphere of economic activity has sometimes been confused because of the darkness surrounding much of its operation. Hopefully, our Antitrust and Monopoly Subcommittee in the years ahead can throw light in a way that will benefit both business and the American consumer.

Mr. Speaker, I include at this point in the RECORD a summary of the morning panel on "Health Care: Cost and Quality" which was prepared by a reporter of the Morningsider:

Speakers: Dr. George Baehr, chairman, New York State Public Health Council; Mr. Edward J. Carroll, director of economic research, Merck & Co.; Miss Evelyn Dubrow. chairman, AFL–CIO Committee on Consumer Legislation; Dr. Gerald Dorman, member, board of trustees, AMA.

Dr. Baer said that the overall cost of drugs in the United States has decreased in the past decade because the consumption has increased. Each person now purchases 5½ prescriptions per year, he noted; the greater use of drugs arises from new medical discoveries. A few years ago, he said, a patient with pneumonia spent 2 weeks in the hospital and had only a fifty-fifty chance of recovering his health. Now, a patient spends 4 days in the hospital, is treated with antibiotics, and has a hundred percent chance of recovering, he continued. The treatment with antibiotics is costly, and individual patients find their care and drug costs expensive, yet, all in all, drug costs have decreased, he said.

Miss Dubrow spoke on the unions and medical care. She said that the unions were among the first to take out health insurance policies for their workers. In another vein, she said that production in factories and in other jobs fell off because workers avoid going to the doctor until they are seriously ill. If they could go when they are simply feeling "out of sorts" and receive a checkup and advice, they would have satisfaction and help, and would not lose worktime. The workers avoid doctors because of the high costs of office visits, but in so doing, they inflict upon themselves the even higher costs of medical care which they require later, when they are seriously ill.

There are many "drug" frauds against the American public, she said. Numerous television programs, she noted, advertise drugs that people can take for deficiencies or illnesses. Most of these drugs are nonessential to a person's health, but the television commercials make them sound absolutely essential, she said. Her answer to the medical problem in America was "cradle to grave" compulsory health programs, sponsored by the Government.

Dr. Dorman said that drugs purchased under their basic names are less expensive than the same drugs purchased under a brand name. As an example he cited aspirin, which is cheaper than aspirin preparations such as Anacin or Bufferin. Doctors are brainwashed by salesmen to purchase drugs under brand names, he said.

Dr. Dorman criticized the union health centers, which labor unions establish throughout the various cities in the United States. He believes that they are not centrally located for their workers' convenience. He also believes that the various unions should consolidate their medical care. Each union has a center of its own for its own workers and the various unions will not "get together" on handling each other's patients, he said.

Mr. Speaker, there follows a summary of the morning panel on "Automation, Unemployment and Poverty" which was prepared by a reporter of the Morningsider:

Speakers: William Capron, President's Council of Economic Advisers; Michael Harrington, author of "The Other America"; George Collins, acting secretary-treasurer, International Union of Electrical, Radio & Machine Workers; Robert Lekachman, professor of economics, Barnard College.

Mr. Capron led off the discussion. He said, "there's a danger of making this interrelationship too simple (automation to unemployment to poverty). It misses the mark rather widely, and it can lead us down policy paths that we would not want to follow."

"The Government," he said, "has the responsibility to aid technological change, as long as it's discharging its responsibility for the adjustment that's going to be necessary."

In another point, the economist said that unemployment is the result of "inadequate total demand for goods and services," and he noted that the tax cut was instituted to get at the demand problem. It will release billions of dollars of purchasing power into the economy, he said, and that that in turn would increase the demand for labor. Stressing that "it's not a quick cure," Mr. Capron said, "I'm convinced that by the end of this year we'll have an economy that's moving up to total employment."

He continued, "We could cure poverty almost overnight. We could bring every American family up to $3,000 a year. But that would not cure poverty. Its roots lie deep. The lack of income is a symptom of poverty, not its cause. Real poverty lasts not only a lifetime but too frequently passes from one generation to another. For a whole segment of the population, relief has become a way of life."

We must approach poverty, he said, as a longer range problem, to get at its roots rather than eliminate some of its symptoms. The focus, he believes, should be on the younger people. As far as the older people are concerned, he said, it's difficult for them to escape a condition in which they've lived all their lives.

Michael Harrington, whose book is widely credited for having awakened the country to the widespread poverty that exists, spoke next. He suggested three steps that must be taken in a broad attack on poverty: first, that we must know its dimensions; second, that we must realize that what we have is a political problem that must be solved by political means; and third, that there must be Federal planning. The President's war on poverty, he said, "is only the merest beginning * * *. It is, thank God, a beginning."

On the dimensions of the problem of poverty, he said, "the actual number of poor is open to argument: According to President Johnson, there are 35 million, or one-fifth of the population; other estimates range higher. My own, he said, is 40 to 50 million. Leon Keyserling, he pointed out, has estimated that 40 percent of the population—or about 77 million persons—are either impoverished or deprived. We now know, he continued, that at least one-half of the people over 65 are "condemned to a lonely, bitter, impoverished old age"; we know that racial impoverishment is an added problem; we know that rural poverty is enormous; and we know that among the poor the largest age group is under 18. There's a grave danger, he said, of "hereditary poverty," the communication of poverty from one generation to another. We also know, he continued, that poor people get sick more often, that they have a higher incidence of neuroses and psychoses. The poor are the least educated in society, he said, and finally, they are ill housed.

On the war on poverty as a political problem, Mr. Harrington said, "The spending of money always involves politics." He called the $200 to $600 million that is going to be spent in Johnson's program "the barest, most impoverished beginning," and he quoted the New York Times as saying that it is hardly enough for a skirmish much less total war. The Dixiecrats, he pointed out, do not want to solve the problem of poverty; as long as they continue to dominate Congress, we are not going to approach the problem as massively as is necessary. We must, he said, have a new alinement. Later, during the question period, he said that the Democratic Party must become truly the liberal party; the Republican, truly the conservative. He said, "The AMA is for the maintenance of poverty," as far as Medicare is concerned; the farm bureaucracy is for the maintenance of poverty, when it comes to the question of the migrant farmworker; the racists are for the maintenance of poverty, as long as the alternative means uplifting the Negro; and the chief city planners—the real estate speculators—are for the maintenance of poverty.

His third point was that "any serious war on poverty has to have Federal norms." He disagreed with Mr. Capron. It is not, he said, simply a matter of increasing aggregate demand. In the next 5 years, he pointed out, an additional 16.1 million jobs will be needed just to maintain the level of unemployment that now exists. If we fail to provide these jobs, unemployment will leap to 8, 9, 10 percent of the working force, he said. The total problem, he stressed, is so massive—housing, education, jobs and many related problems—that there must be a "coordinated approach" to them, and that means Federal planning on a grand scale.

George Collins was the next speaker. The rediscovery of poverty, he said, is "long overdue * * *. The unhappy fact is that we have not achieved one of F.D.R.'s goals."

Each week, he said, 25,000 young people are entering the labor market; while 40,000 jobs a week are being lost through automation. The Nation is without a plan to deal with automation, he said, and "big business and industry show complete indifference." Big business and industry say, "no one knows the extent of the problem," which is a statement designed to delay the solution, he said.

He warned that we cannot continue the excuse "no one knows what to do about the problem" before attacking it. For the worker out of a job, he said, the important thing is that the bills are due, his wife needs medical care, his kids need clothes.

Robert Lekachman then spoke. He said that he was "more inclined to quarrel" with Mr. Capron, an economist. He called Mr. Capron's position (which is also the position of the Council of Economic Advisers) "a cheerful view." If we have unemployment, this view runs, it's the result of "deficient demand," and we "dump money in the right places" so that it will flow throughout the economy, he said. "We tried this recently," he pointed out, "in the bad old Eisenhower days. Remember?" In 1954, he said, "that far-reaching radical GEORGE HUMPHREY" supported a tax cut; the economy's upward turn was undoubtedly the result. "But why," he asked, "has the problem returned?" He said that this consideration led him to an alliance with the other two speakers (Collins and Harrington). "We have never really solved the problem of integrating the bottom segment of our population into the whole society," he said.

He pointed out that the number of jobs with small skill requirements are rapidly diminishing, and the jobs that are becoming available require greater and greater skills. Declaring that there's "a changing shape" to the demands upon labor, he foresaw a future in which machine tenders are going to become fewer and fewer, and it will be necessary for workers to shift occupations two or three times during their lifetimes. This, he said, suggests "a substantial shift not only in the amount spent on education but in the way we approach it." It will be necessary to make education a continuous process, he said. "General education, in other words, should last throughout life."

What we have achieved so far, he pointed out, is a middle-class welfare state; what we should be seeking is a welfare state for the bottom third of our society.

We only "kid ourselves if we believe that a tax cut is a cure-all," he said.

Later, during the rebuttal period, Mr. Capron said that the Council of Economic Advisers has never said that the only problem is aggregate demand and the tax cut the only solution. "We do say," he noted, "that total demand is necessary if we're going to begin to meet the problems of unemployment and poverty." He also said, "sure, skill requirements are on the increase, but they have been for a long time, and the labor force has always been able (to accommodate itself)."

During the question period he was asked why so little—$500 million or one-half of 1 percent—of the total budget, is to be spent on the war on poverty. He answered that substantial funds in the educational and housing budgets are earmarked for the problem of poverty and that this was only a beginning. "We have a tremendous job getting off the ground," he said, "It's not simply a matter of turning on the faucet and water pouring out smoothly. A lot of plumbing has to be done (for the future)."

Mr. Speaker, those who participated in the morning panel on "Advertising and the Public Interest" were fortunate in having the benefit of the views of the Chairman of the Federal Trade Commission, Paul Rand Dixon. I am including excerpts from the remarks of the panelists:

Speakers: Paul R. Dixon, Chairman, Federal Trade Commission; Sidney W. Dean, Jr., president, Ventures Development Corp.; Stephen Dietz, executive vice president, Kenyon & Eckhardt, Inc.; Mildred E. Brady, assistant director, Consumers Union.

From the remarks of Paul Rand Dixon:

It is in connection with the maintenance and strengthening of the competitive framework for economic growth that the Federal Trade Commission has, by virtue of the mandates of the statutes it administers, a responsibility in the scheme of our national life that is exceeded by few if any other agencies.

Recent growth of our economy has been phenomenal. Advertising of the proper kind can contribute mightily to this prospective growth and to the more abundant satisfaction of the consumer needs of all Americans which will result from such growth.

And I reaffirm here and now, without equivocation, my long-held position that advertising which helps consumers make intelligent choices is the kind which stimulates growth—without such advertising, we probably could never have achieved our present state of well-being; without it we likely can never substantially improve our position.

Yet, like most good things, advertising has been wrongly used—used in a way that was not in the public interest. For it has been employed, not to help consumers make intelligent choices, but sometimes as a monopolistic weapon to destroy competition and frequently as a deceptive one to corrupt it.

In meeting its obligation to maintain and strengthen our free competitive enterprise system, within the framework of which our growth must occur, the Commission acts not only to eliminate monopolistic practices, but also to remove those that are false or deceptive.

From the remarks of Mr. Stephen Dietz:

Advertising is a means of communication and persuasion. As is oratory.

While its primary use in this country is for the advocacy of the purchase of material things, it is also used by political parties, educational institutions, museums, art galleries, philanthropic and charitable organizations, churches, and various governmental bodies.

What is advertising's economic contribution to the growth of our free society? It is a means available to all of entry into a market. Given a new and superior product, advertising facilitates its entry into the market and its growth.

Advertising promotes growth because it speeds the acceptance of innovation.

The ethics of advertising, as of any public activity, are legitimate matters of public concern. Truth in advertising would seem to be a minimal standard of conduct to

which we would all agree. But when we try to define truth, we have difficulty and disagreement, not because one side is good and the other bad, but because truth is not always an easy concept to deal with.

Much criticism of advertising stems from the belief that "persuasion" is necessarily unethical. I cannot agree. It seems to me that persuasion is the very stuff of life, of change, of movement. There are, of course, limits to the kinds of persuasion which are acceptable in the public interest, and these limits are violated in many walks of life. Perhaps the greatest violation, in my opinion, is failure to disclose the self-interest of the individual doing the persuading. Advertising is the most open persuasion there is—for the self-interest of the advertiser is plain for all to see.

From the remarks of Mrs. Mildred E. Brady:

There is no escaping the conclusion that advertising, taken as a total impact on today's living, has simply grown out of hand. Instead of serving the consumer, it abuses him. The most obvious thing about advertising as we experience it in 1964 is that it is excessive—excessive in its amount, excessive in its insistence, excessive in its blatancy.

Advertising expenditures are estimated to be $13 billion a year. And that's a conservative estimate—3.2 percent of disposable income—an increase of 16 percent from 1950 when the percentage was 2.7 percent. It is nearly double the amount we spend for medical and dental services; it is 2½ times what we spend for private education at all levels; it is more than we spend for all the gas and oil to operate the 60 million passenger cars on the road, and it is more than all Americans pay for rental housing.

This is not to say that the use of today's remarkable communications media to convey information about today's highly processed goods is an undesirable activity. On the contrary. Never before have we needed product information so sorely * * *. Advertising as we know it, however, does not measure up to this need and the need is growing geometrically as products multiply and become more complex. Without useful, truthful information about the products we buy, consumer choice on a free market becomes a mockery.

In order to fill the need for product information that modern technology and modern distribution facilities has rendered essential, advertising will have to change its ways.

Recently, and at long last, President Johnson created a consumer post in the White House, appointed Esther Peterson to that office, and also established a President's Consumer Interests Committee to which he appointed a number of private citizens especially qualified to speak for the consumer. Thus, for the first time the unorganized and heretofore voiceless consumer has been granted a small start along the road to a redress of the balance between the pressures for private ends and those for the public good. But, believe it or not, advertisers are already insisting that the consumer representative posts be turned over to advertising and marketing men * * *.

Surely those of us who hold that the public welfare should be the primary focus of government, and those in the Congress who speak for us, should take whatever steps may be necessary to guard against any attempts of advertising, or other commercial interests, to masquerade as representatives of the consumer.

Summary of remarks of Sidney W. Dean, Jr.:

Advertising is the process of "automated mass selling." As a process, it carries no more responsibility for its human consequences than automated mass production. The human consequences must be dealt with by government acting for all of us.

Advertising, furthermore, is a sanctioned form of special pleading, with the same responsibilities as the lawyer pleading for an imperfect client or a political partisan pleading for an imperfect candidate. Special pleading has an indispensable role in an open society to insure free competition between ideas as well as goods and services. The role of government as umpire is to insure that the rules are adequate and enforced to insure fair competition.

Since fair rules of free competition are as important in advertising as in all other business, it is tragic that our antitrust regulatory legislation covers only interstate commerce in goods and products, and excepts services, such as advertising and editorial services. Thus, the rates and terms of sale of advertising, which is an important component of the price of most consumer products, is largely unregulated.

Similarly, publishers, broadcasters, and networks have taken false shelter under the doctrine of freedom of the press to engage in price fixing and other monopoly practices in the sale of essential news, editorial, and programing services. It is currently reported that the three television networks now own or have profit participations in all but 15 of the hundreds of programs they carry. These participations and "coproduction" concessions have been coerced from independent producers and advertisers in exchange for time clearances and preferences.

The afternoon panel on "Consumer Credit: Truth in Lending" included the following participants: Dr. Warren Banner, Research Director, National Urban League; Professor Persia Campbell, chairman, Department of Economics, Queens College; Louis J. Asterita, deputy manager, American Bankers Association. The following are excerpts from their remarks.

From the remarks of Dr. Warren Banner:

Few will question the purchase of most durable goods on the installment plan. Homes are usually bought this way. However, most of us do not know what is happening not only in the calculations for the costs above the stated price (insurance, taxes, utilities, etc.), but to a greater extent are thrown into confusion about the charges at closing time.

Various reports show that installment credit costs up to 42 percent per year, allowed under State law. Usually stated rates of 5 or 6 percent amount to twice as much where the interest rate is constant even though the outstanding balance is decreasing with each payment. This may sound confusing to some but it is easily understood if review is made of the tables prepared by those who have calculated the actual cost to the consumers of installment buying.

I have always felt that the best deal for all of us of small means is to deposit our funds in a savings bank, where interest is paid each quarter, and make purchases from our cash.

Until there is some assurance that you will not fall prey to the small print of a contract, deal with reputable concerns and there will be less chance that you will be taken advantage of. Buy only what you need and know you can and will pay for it. While lending institutions are anxious to have their money work, you should be just as anxious to have them use some of your money with interest.

From the remarks of Prof. Persia Campbell:

Consumer credit is an advance of purchasing power obtained at a price; it is a commitment of debt on terms. Over the decade the percentage rate of increase for consumer credit (about 110 percent) was almost twice that of disposable income (about 60 percent); from about 13 percent of disposable income, consumer credit has increased to about 17 percent.

Except in particular categories, notably monthly charge accounts, credit is paid for by the borrowers at an estimated average rate of from 14 to 15 percent per year; the strange thing is that the borrowers, now constituting well over half the American families, rarely know what they are paying for it. This strange phenomenon of blind buying has different causes; a significant cause is the fact that credit charges are stated in different ways according to the type and source of credit.

At hearings on the Douglas truth-in-lending bill, Mr. McChesney Martin, Chairman of the Federal Reserve Board, admitted that he himself could not make out the comparative cost of different types of credit under these circumstances, which may all be legal, under the hodge-podge of different laws applying separately to small loan companies, banks, credit unions, pawnshops, and to retail installment sales and revolving credit plans. It was to help the consumer exercise informed choice in the credit market that Senator DOUGLAS and his associates introduced the truth-in-lending bill which requires, in brief, that all types of credit charges be stated both in dollar cost (which enables a quick comparison between cash and time-sale prices) and also with the equivalent annual interest rate (to facilitate comparative shopping between different types and sources of credit). Since the vitality of a competitive market, central to our economic system, depends on informed choice, the Douglas bill has been put under the jurisdiction of a subcommittee of the Banking and Currency Committee; it provides for administration by the Federal Trade Commission as part of its fair-labeling program.

Summary of remarks of Mr. Louis J. Asterita:

Banks have not engaged in the installment loan business at high rates, but rather have sought to extend consumer loans on an ethical basis and at reasonable rates. By following the principle of lending to credit-worthy risks for any useful purpose, banks make direct loans to individuals to buy automobiles at lower rates than those generally associated with dealer-originated business. Moreover, bankers discovered they could loan for business purposes on a term basis by making installment loans to small business and adopting the installment credit method. Other loan areas that have been developed include charge account financing, revolving check credit, on-the-job bank service, financing medical and dental expenses and loans to improve or modernize your home. However, the extension of this credit following World War II, has focussed attention upon practices involved in the extension of consumer credit. Consumer credit has grown from 21,395 million in 1950 to 68 billion year-end 1963. Installment credit, which is the credit under discussion today, rose from 14.7 billion in 1950 to 53 billion in 1963.

The afternoon panel on "Environmental Health: Air, Food, Drugs" included the following participants: George P. Larrick, Commissioner, U.S. Food and Drug Administration; Arthur J. Benline, Commissioner of Air Pollu-

tion Control, New York City; Ethel L. Ginsberg, Citizens Committee for Children of New York City.

From the remarks of George P. Larrick:

Our food and drug law helps to protect the public health, and this of course has great economic significance. But this law has other benefits. It conserves the consumer's purchasing power. It stimulates technological progress. It fosters fair competitive practices. It is an underlying factor in our free competitive economy, by aiding consumer choice in the marketplace based on reliable product information.

Experience has shown that without laws to protect the consumer many dishonest practices would flourish. Vigorous and continuing control is needed to prevent such practices as short-weight packaging, substitution of cheaper ingredients, and the sale of spoiled or contaminated products.

Most of this food was pure and wholesome, safe to use, and honestly packaged. But if—let us assume—there had been a shortage in the net weight averaging only a quarter of an ounce per pound—it would have cost consumers over a billion dollars a year.

Establishment of food standards helps to protect consumer purchasing power and consumer health. The food standard regulations prevent adulteration—for example by added water. They require food to contain what is expected.

Enrichment of selected foods with vitamins and minerals is carried on through the food standards program. This has helped to reduce or wipe out diseases caused by dietary deficiencies.

Under the law the Secretary of Health, Education, and Welfare is required to establish a food standard whenever such action is needed to "promote honesty and fair dealing in the interest of consumers." Thus food standards are also concerned with promoting fair competition in the production and marketing of foods.

There is no way to measure accurately the cost of misbranding and misinformation in the health field. It has been estimated at more than a billion dollars a year. Vitamin quackery and other food fads are said to cost the public half a billion dollars a year. But the cost would be far more were it not for the protection of our Federal, State, and local laws.

Here it would be appropriate to ask what is the cost of the protection provided by the FDA. In the current fiscal year the appropriation for enforcing the Federal Food, Drug, and Cosmetic Act is $35,800,000, about 18½ cents for each person in the United States. We are sure that this insurance saves the consumer many times its annual cost.

Commissioner Arthur J. Benline:

New York City's Commissioner of Air Pollution Arthur J. Benline told the group that smokestacks and chimneys, residential and industrial incinerators, and car, bus, and truck exhaust fumes are the basic sources of air pollution in the city. More research is needed in purifying auto exhausts and in smoke abatement devices.

Protecting health against air pollution depends on preventing pollutants from entering the air. He explained that litter in the streets up to your knees would not endanger public health as much as the pollutants in the air now do.

The afternoon panel on "Taxation and the Consumer" included the following participants: Prof. Emma C. Llewellyn, Department of Economics, Sarah Lawrence College; Peter Bernstein, author of "Price of Prosperity" and "Primer on Government Spending"; J. A. Stockfisch, Deputy Assistant Secretary, Treasury Department. A summary follows:

Prof. Emma Llewellyn expressed her view that the tax bill did not give adequate recognition for lower income individuals. She took the position that at this time there was a greater need to stimulate consumption rather than investment. Professor Llewellyn stated that the tax bill tended to place too much emphasis on investment.

Peter Bernstein stated that, while he favors a reduction in income taxes as a badly needed stimulant to business expansion, he has reservations on two levels.

First, we have made no real progress on tax reform, he said. We are still allowing too large a portion of high incomes to escape the tax collector's net. Our income tax schedules give an extraordinarily misleading impression of the degree to which our tax structure is progressive: it accomplishes far less in this regard than most people like to believe.

Second, he continued, the tax cut does little or nothing to aid those people who need help most—the families whose incomes are so small that they pay little or no income tax in any case. Indeed, he would far rather that we begin to look at taxes, not as a burden, but as a means of buying the things we so badly need in terms of cleaner, healthier, safer, more comfortable, and better educated communities.

Mr. Stockfisch explained the main features of the tax bill as it was at that time before the Senate Finance Committee. He explained what income classes would get a reduction and indicated that the bill would have some elements of reform, although not as much as had been hoped for in President Kennedy's original proposal.

He also dealt with the question of whether the Congress would accept the important Treasury amendment on capital gains—to maintain the existing tax rates on capital gains. He pointed out the importance of this amendment, and of eliminating the dividend credit provision which would mean a lessening in the present tendency to tax different types of incomes differently. This in itself would be a very healthy step in the right direction and a type of reform.

Mr. Stockfisch stated that he thought the tax bill would make inroads in areas that had never been touched before and that the bill should be given more credit than its critics are willing to admit.

## NORTHERN OHIO JUDGESHIPS

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHLEY] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ASHLEY. Mr. Speaker, today I have joined my distinguished colleague from Ohio, Senator STEPHEN M. YOUNG, in introducing legislation to make the present temporary judgeship in the northern Ohio Federal Judicial District a permanent one.

Northern Ohio is the only district in the entire Nation with a temporary judge. This means that whenever the first of seven judges now sitting in Cleveland, Toledo, or Youngstown retires or dies, he will not be replaced.

The situation came about in 1961 when President Kennedy signed a bill creating 73 Federal judgeships, a move recommended by the Judicial Conference of the United States to relieve serious congestiton in many of the larger districts.

Under that legislation, northern Ohio received two new judgeships, one permanent and one temporary. That increased the district bench from five to seven judges with the proviso that the first vacancy would not be filled, leaving the northern district with a permanent bench of six judges.

The theory behind this was that a temporary judgeship would be needed only long enough to clear up the congestion existing in 1961. It is now a matter of record, however, that the additional judgeships voted for northern Ohio in 1961 have failed to reduce the caseload. Reports of the administrative office of the U.S. courts show that as of June 30, 1962, shortly after the appointment of the two new judges for northern Ohio, there were 1,158 civil cases pending in the northern Ohio district. A year later, on June 30, 1963, the pending caseload had moved to 1,199. In February of this year the administrative office reported that there were 1,280 pending civil cases as of December 31, 1963.

Need for prompt enactment of the legislation proposed by Senator YOUNG and myself is attested to by Warren Olney III, the Director of the Administrative Office of the Federal Courts, in his statement that the growth of the backlog of civil cases has been due more to an increase in the number of filings than to slowness of the court to act.

In the last half of last year, for instance, the northern Ohio bench disposed of a respectable total of 512 cases, only to have 593 new ones filed in the same period.

It thus becomes apparent that the future workload will demand at least as many judges as are presently sitting in the northern Ohio district. The loss of a judgeshhip, which will take place if the temporary judgeship provided in the 1961 act is not converted into a permanent one, will inevitably result in the chaotic situation which existed prior to 1961 and the legislation adopted that year creating additional judgeships throughout the country. In order to prevent the delay and frustration of judicial proceedings, Senator YOUNG and I have offered legislation which I hope will receive prompt and favorable consideration.

## 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. BLATNIK, for 5 minutes, today.

Mr. CURTIS, for 10 minutes, today.

Mr. DOLE (at the request of Mr. BOW), for 1 hour, on Monday, April 6; and to revise and extend his remarks and include extraneous matter.

Mr. RYAN of New York (at the request of Mr. LIBONATI), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. HOLIFIELD, for 20 minutes, today; and to revise and extend his remarks.

Mr. FEIGHAN, for 15 minutes, today; and to revise and extend his remarks.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. FOREMAN.

Mr. DEROUNIAN.

Mr. JONAS and to include extraneous matter.

Mr. BURKHALTER and to include extraneous material.

Mr. LINDSAY and to include extraneous material.

Mr. HORTON.

Mr. BOW in two instances.

Mr. DINGELL.

Mr. ROGERS of Florida asked and was given permission to revise and extend the remarks he made and to include an article.

(The following Members (at the request of Mr. BOW) and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. LIPSCOMB.

MR. BERRY.

(The following Members (at the request of Mr. LIBONATI) and to include extraneous matter:)

Mr. BURKE.

Mr. DADDARIO.

Mr. PEPPER.

Mr. HEALEY.

Mr. DONOHUE.

Mr. GARMATZ.

## BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.J. Res. 962. An act making a supplemental appropriation for the fiscal year ending June 30, 1964, for the Department of Labor, and for other purposes.

## ADJOURNMENT TO APRIL 6, 1964

Mr. LIBONATI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with House Concurrent Resolution 284, the Chair declares the House adjourned until 12 o'clock noon on Monday, April 6, 1964.

Thereupon (at 3 o'clock and 18 minutes p.m.), pursuant to House Concurrent Resolution 284, the House adjourned until Monday, April 6, 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:

1872. A communication from the President of the United States, relative to November 30 and December 24, 1963, when he directed the heads of executive departments and agencies to tighten operations, reduce employment, and effect savings. As a result of the steps being taken pursuant to these instructions, he asked the Congress on March 9 to reduce the 1965 appropriations requested in the budget by $41,927,000. Included are other pertinent facts relating to this subject; to the Committee on Appropriations.

1873. A letter from the Secretary, Export-Import Bank of Washington, transmitting a report that Export-Import Bank of Washington on March 20, 1964, issued its guarantee with respect to a transaction with Hungary relating to the exportation of dry milk, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1964, and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

1874. A letter from the Comptroller General of the United States, transmitting a review disclosing that the Federal Aviation Agency has not followed prescribed Government policies in assessing user charges; to the Committee on Government Operations.

1875. A letter from the Comptroller General of the United States, transmitting a review of the semiautomatic flight inspection program of the Federal Aviation Agency has disclosed that additional costs of about $944,000 were incurred because of weaknesses in the planning and contracting for the program and in the administration of the program; to the Committee on Government Operations.

1876. A letter from the Assistant Secretary of the Interior, transmitting proposed amendment No. 3 to the concession contract with Best's Studio, Inc., Yosemite National Park, pursuant to 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1877. A letter from the Assistant Secretary of Defense, transmitting a report showing grants for basic scientific research made by the Department of Defense to nonprofit institutions in calendar year 1963, pursuant to Public Law 85–934; to the Committee on Science and Astronautics.

1878. A letter from the president, Girl Scouts of the United States of America, transmitting the 14th Annual Report of the Girls Scouts of the United States of America for the fiscal year ending September 30, 1963, pursuant to Public Law 272, 83d Congress (H. Doc. No. 287); to the Committee on the District of Columbia and ordered to be printed with illustrations.

1879. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 28, 1964, submitting a report, together with accompanying papers and an illustration, on an interim hurricane survey of middle and lower peninsulas of Virginia, authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 288); to the Committee on Public Works and ordered to be printed with one illustration.

1880. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 29, 1963, submitting a report, together with accompanying papers and illustrations, on an interim report on Newark Bay, Hackensack and Passaic Rivers, N.J. (channels to Port Elizabeth), prepared in response to an item in section 101 of the River and Harbor Act of 1962, approved October 23, 1962 (Public Law 87–874). It is also in partial response to a resolution of the Committee on Public Works, U.S. Senate, adopted June 14, 1960, and to resolutions of the Committee on Public Works, House of Representatives, adopted July 31, 1957, and August 15, 1961 (H. Doc. No. 289); to the Committee on Public Works and ordered to be printed with two illustrations.

1881. A letter from the Assistant Secretary of the Interior, relative to an application for a loan by the St. John Irrigating Co. of Malad, Idaho, Oneida County (pursuant to 70 Stat. 1044, as amended by 71 Stat. 48); to the Committee on Interior and Insular Affairs.

## 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. MILLS: Committee on Ways and Means. H.R. 9688. A bill to extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan; without amendment (Rept. No. 1300). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10473. A bill to extend the period during which Federal payments may be made for foster care in child-care institutions under the program of aid to families with dependent children under title IV of the Social Security Act; without amendment (Rept. No. 1301). Referred to the Committee of the Whole House on the State of the Union.

Mr. BUCKLEY: Committee on Public Works. Report on right-of-way acquisition practices in West Virginia; with amendment (Rept. No. 1302). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 10637. A bill to make permanent the district judgeship for the northern district of Ohio created by section 2(e)(2) of the act of May 19, 1961; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 10638. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964, 1965, and 1966; to the Committee on Agriculture.

By Mr. BENNETT of Florida:

H.R. 10639. A bill to amend title 10, United States Code, with respect to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia:

H.R. 10640. A bill to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees transferred in the interest of the Government to a different geographical location and to authorize payment of expenses for storage of household goods and personal effects of civilian employees assigned to isolated duty stations within the United States; to the Committee on Government Operations.

By Mr. DANIELS:

H.R. 10641. A bill to adjust the basic compensation of certain officers and employees in the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DORN:

H.R. 10642. A bill to amend the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. EDWARDS:

H.R. 10643. A bill to amend title II of the Social Security Act to provide that the remarriage of a widow shall not prevent the payment of benefits if such remarriage is terminated by a decree of divorce and proceedings for the divorce were instituted within 1 year after such remarriage; to the Committee on Ways and Means.

By Mr. FOREMAN:
H.R. 10644. A bill to impose import limitations on certain meat and meat products; to the Committee on Ways and Means.

By Mr. GURNEY:
H.R. 10645. A bill to provide for the medical and hospital care of the aged through a system of voluntary health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. HALL:
H.R. 10646. A bill to authorize the sale of 58.19 acres of Eastern Shawnee tribal land in Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. LINDSAY:
H.R. 10647. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS:
H.R. 10648. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:
H.R. 10649. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:
H.R. 10650. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10651. A bill to specify the number of hospital beds that the Administrator of Veterans' Affairs must maintain and operate at the Veterans' Hospital, East Orange, N.J.; to the Committee on Veterans' Affairs.

By Mr. NELSEN:
H.R. 10652. A bill prohibiting lithographing, engraving, or printing on envelopes sold by the Post Office Department, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'HARA of Michigan:
H.R. 10653. A bill relating to certain inspections and investigations in metallic and nonmetallic mines and quarries (excluding coal and lignite mines) for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes; to the Committee on Education and Labor.

By Mr. O'NEILL:
H.R. 10654. A bill to amend the Federal Employees Health Benefits Act of 1959 to permit until December 31, 1964, certain additional health benefits plans to come within the purview of such act; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:
H.R. 10655. A bill to increase annuities payable to certain annuitants from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL:
H.R. 10656. A bill to amend title II of the Social Security Act to provide a 10 percent across-the-board benefit increase; to reduce the retirement age to 62 for payment of full benefits to both men and women; to authorize a 25-percent increase in the minimum benefits payable to workers, raising that minimum from $40 to $50; to increase outside earnings permitted recipients from $1,200 to $2,000 without deductions from benefits; to provide that the Federal Government shall contribute one-third of the additional cost of such changes (reducing the additional contributions required of workers and employers accordingly); and for other purposes; to the Committee on Ways and Means.

By Mr. ST GERMAIN:
H.R. 10657. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States; to the Committee on Education and Labor.

By Mr. THOMSON of Wisconsin:
H.R. 10658. A bill to amend section 202 of the Agricultural Act of 1949, as amended, in order to continue the veterans' hospitals and Armed Forces dairy program; to the Committee on Agriculture.

By Mr. WATSON:
H.R. 10659. A bill to provide for the conveyance of certain mineral interests heretofore acquired by the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'HARA of Illinois:
H.J. Res. 971. Joint resolution calling upon the President of the United States to use full facilities of our Government to make arrangements for and to bring about delivery of an adequate supply of matzoth to key centers of Jewish life in the Union of Soviet Socialist Republics on an emergency basis, so that the feast of the Passover which begins at sundown Friday, March 27, and ends at sundown Saturday, April 4, may be observed in keeping with 5,724 years of Jewish tradition; to the Committee on Foreign Affairs.

By Mr. RODINO:
H.J. Res. 972. Joint resolution to authorize the President to proclaim the fifth of April of each year as "Mankind Day"; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:
H.J. Res. 973. Joint resolution to permit the flying of the flag of the United States for 24 hours of each day at the grave of Capt. William Driver in Nashville, Tenn.; to the Committee on the Judiciary.

By Mr. KASTENMEIER:
H.J. Res. 974. Joint resolution to create the Select Commission on Market Power in Agriculture to conduct a comprehensive investigation of food chainstore practices which may be in violation of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Mr. DENT:
H. Res. 667. Resolution creating a select committee to act as observers at the forthcoming trade convention at Geneva, Switzerland; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States to take certain action in relation to social security benefits, which was referred to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. AUCHINCLOSS:
H.R. 10660. A bill for the relief of Matitiau Meilich and Charlotte Meilich; to the Committee on the Judiciary.

By Mr. BARING:
H.R. 10661. A bill for the relief of Louis L. Repp; to the Committee on the Judiciary.

By Mr. DOWNING:
H.R. 10662. A bill for the relief of Chun Yin So; to the Committee on the Judiciary.

By Mr. LINDSAY:
H.R. 10663. A bill for the relief of George Marer and his wife, Claire Vago Marer; to the Committee on the Judiciary.

By Mr. MAILLIARD:
H.R. 10664. A bill for the relief of Mrs. Diruhi Platin; to the Committee on the Judiciary.

By Mr. MATHIAS:
H.R. 10665. A bill for the relief of Rear Adm. Arthur A. Ageton, U.S. Navy, retired; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:
H.R. 10666. A bill for the relief of Evangelia G. Latsis; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:
H.R. 10667. A bill for the relief of Paul L. Van Moeseke; to the Committee on the Judiciary.

By Mr. COHELAN:
H.J. Res. 975. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser; to the Committee on Banking and Currency.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

815. By Mr. CAMERON: Petition of William M. "Fishbait" Miller, Doorkeeper of the House of Representatives of the U.S. Congress, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

816. Also, petition of W. W. Buck, commander of the Department of California, Military Order of the Purple Heart of the United States of America, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

817. Also, petition of the Sentinel of Covina, Calif., urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

818. Also, petition of the Daily Tribune of the San Gabriel Valley of California, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

819. Also, petition of the City Council of Chino, Calif., urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

820. Also, petition of the City Council of Monrovia, Calif., urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

821. Also, petition of Joseph A. Beirne, international president of the Communications Workers of America, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

822. Also, petition of Walter P. Reuther, president of the United Auto Workers of America, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

823. Also, petition of Gordon M. Freeman, international president of the International Brotherhood of Electrical Workers, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

824. Also, petition of the City Council of Pomona, Calif., urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

825. Also, petition of the State Executive Committee Disabled American Veterans, Department of Idaho, urging Congress to posthumously award the Congressional Medal of Honor to John Fitzgerald Kennedy; to the Committee on the Judiciary.

826. By Mr. ROOSEVELT: Petition of Lloyd C. Barton, Stockton, Calif., in support of H.R. 8826; to the Committee on Ways and Means.

827. By the SPEAKER: Petition of Kihei Shiroma, Iheya-son, Okinawa, relative to an early solution of the problem of pretreaty

claims; to the Committee on Foreign Affairs.

828. Also, petition of Chiyokichi Arakaki, Iheya-son, Okinawa, relative to an early solution of the problem of pretreaty claims; to the Committee on Foreign Affairs.

829. Also, petition of Junji Nishime, mayor of Naha City, Okinawa, relative to an early solution of the problem of pretreaty claims; to the Committee on Foreign Affairs.

# SENATE

THURSDAY, MARCH 26, 1964

*(Legislative day of Monday, March 9, 1964)*

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Most Reverend Archbishop Vasili, of the Byelorussian Autocephalic Orthodox Church, Brooklyn, N.Y., offered the following prayer:

In the name of the Father, and the Son, and the Holy Ghost.

Almighty God, our Heavenly Father, we lift up our hearts in prayer to Thee, and invoke Thy divine blessings upon our country, the United States of America. Grant Thy guidance and strength; sustain and illuminate with Thy Holy Spirit the hearts of all the Members of the Senate, this temple of peace, freedom, and justice.

Eternal God and Redeemer, we pray today for Thy divine mercy and judgment for the national welfare of the Byelorussian nation, whose Proclamation of Independence, as the Byelorussian National Republic, was observed 46 years ago, and whose people have striven during these years to free themselves from the tyranny of an atheistic oppression, in the hope of enjoying the liberties and freedom, under God, as is the way in the United States. We pray today that the benefits of freedom granted to democracies all over the world may serve as an infallible encouragement to the people of Byelorussia, for the vision of everlasting freedom is not lost among them, but burns like a torch in the depth of their hearts with the desire to be a member in the family of the free and God-fearing nations of the entire world.

We humbly bow our heads before Thee, our God and Saviour, and faithfully implore Thee: Accept this, our prayer; bless the United States of America and Byelorussia; reign and shine in our hearts; and be blessed, now and forever. Amen.

## THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 25, 1964, was dispensed with.

## CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider 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.

Mr. MANSFIELD. Mr. President, there will be no morning business this morning.

What is the pending question?

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 Act of 1963.

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. 100 Leg.]

| | | |
|---|---|---|
| Aiken | Hartke | Morse |
| Bartlett | Hayden | Morton |
| Bayh | Hickenlooper | Mundt |
| Beall | Hill | Muskie |
| Bible | Holland | Neuberger |
| Boggs | Hruska | Pastore |
| Brewster | Humphrey | Pell |
| Burdick | Inouye | Prouty |
| Byrd, Va. | Jackson | Proxmire |
| Byrd, W. Va. | Javits | Ribicoff |
| Cannon | Johnston | Robertson |
| Carlson | Jordan, N.C. | Russell |
| Case | Jordan, Idaho | Saltonstall |
| Clark | Keating | Scott |
| Cooper | Kennedy | Smathers |
| Cotton | Kuchel | Smith |
| Dirksen | Lausche | Sparkman |
| Dodd | Long, Mo. | Stennis |
| Dominick | Long, La. | Symington |
| Douglas | Magnuson | Talmadge |
| Eastland | Mansfield | Thurmond |
| Edmondson | McCarthy | Walters |
| Ellender | McClellan | Williams, N.J. |
| Ervin | McGee | Williams, Del. |
| Fong | McGovern | Yarborough |
| Fulbright | McIntyre | Young, N. Dak. |
| Gore | Mechem | Young, Ohio |
| Gruening | Metcalf | |
| Hart | Miller | |

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. Moss], and the Senator from Wisconsin [Mr. NELSON] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from California [Mr. ENGLE] are necessarily absent.

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

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. CASE. Mr. President, during the course of the debate on the motion to take up the civil rights bill, there have been a number of allusions to the Myart against Motorola, Inc., case. The significance of this finding of a hearing examiner of the Illinois Fair Employment Practices Commission has, to say the least, been greatly exaggerated.

In the first place, the decision is merely that of an examiner and, as the chairman of the Illinois Commission made clear in a letter to the New York Times on March 25, the Illinois Commission "has not taken any stand of any kind at any time on the issue of the use of tests in employment."

Even were the Illinois Commission to follow the recommendation of the examiner, an assumption for which there is no basis, the action would have no relevance to the bill now coming before us.

To clear away misconceptions on this whole case, I have had prepared a memorandum which makes clear, I believe, that it would not be possible for a decision such as the finding of the examiner in the Motorola case to be entered by a Federal agency against an employer under title VII.

This is so, first, because the Equal Employment Opportunities Commission established by title VII would have no adjudicative functions and no authority to issue enforcement orders.

Second, title VII clearly would not permit even a Federal court to rule out the use of particular tests by employers because they do not "equate inequalities and environmental factors among the disadvantaged and culturally deprived groups."

Mr. President, I ask that the text of the letter from Charles W. Gray, chairman of the State of Illinois Fair Employment Practices Commission, and of the memorandum to which I have referred be printed in full at this point in the RECORD.

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

[From the New York Times, Mar. 25, 1964]

ILLINOIS FEPC—COMMISSIONER DONISS TAKING STAND ON USE OF TESTS IN HIRING

To the EDITOR:

Arthur Krock, writing in the Times of March 13, states that the Illinois Fair Employment Practices Commission has ruled on an issue involving the use of preemployment tests by Motorola.

The facts are these. The law establishing the Illinois Fair Employment Practices Commission provides that in the event a private conciliation conference between a respondent and a complainant fails to produce a mutually acceptable settlement, it shall be set for a public hearing.

The public hearing is conducted by a hearing examiner, who must be a lawyer. The hearing examiner is appointed by the commission, but is in no way an employee of the commission, and, therefore, certainly not a political appointee.

The findings of the hearing examiner are just that—not a ruling of the commission, nor are they necessarily the opinion or judgment of the commission.

NO POSITION ON FINDING

The Illinois Fair Employment Practices Commission has not acted on the Motorola finding, has issued no orders and has taken no position on whether the hearing examiner's finding will be the order of the commission.

The protection of both parties that our law provides is such that it is highly unlikely that this commission, or any other commission so constituted, could seize the kind of autocratic control of which Mr. Krock writes.

The hearing examiner's finding will be carefully considered by the commission. It will then issue an order which may or may not include the recommended conclusion of the hearing examiner. Once the commission rules on the matter, the ruling can be appealed directly to the courts under the Administrative Review Act in the statutes of the State of Illinois.

This commission has not taken any stand of any kind at any time on the issue of the use of tests in employment. Until we do so, it is totally inappropriate for anyone or any publication to make assumptions about the outcome of this matter.

CHARLES W. GRAY,
*Chairman, State of Illinois Fair Employment Practices Commission.*
CHICAGO, *March 17, 1964.*

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MYART *v.* MOTOROLA, INC.

The decision of a hearing examiner in *Myart* v. *Motorola, Inc.*, a case under the Illinois Fair Employment Practices Act (CONGRESSIONAL RECORD, Mar. 19, 1964, pp. 5662–5664), has been the subject of some recent discussion.

In that case, the hearing examiner found that an employment test administered by respondent Motorola to a Negro job applicant was "obsolete" because "its norm was derived from standardization on advantaged groups," apparently meaning that persons coming from underprivileged or less well educated groups were less likely to be able to pass the test. He said that "in the light of current circumstances and the objectives of the spirit as well as the letter of the law, this test does not lend itself to equal opportunity to qualify for the hitherto culturally deprived and the disadvantaged groups." Accordingly, in addition to the relief he directed for the complainant, the hearing examiner ordered that Motorola cease to employ the test in question, and that if it chose to use any test, it should adopt one "which shall reflect and equate inequalities and environmental factors among the disadvantaged and culturally deprived groups." There is no description of the test in the hearing examiner's report, and no further discussion of why the test was considered unfair.

Of course, it should be noted, and indeed emphasized, that the decision in the Motorola case was merely an initial or preliminary decision of a part-time hearing examiner,[1] that this decision is subject to review by the full Illinois Fair Employment Practices Commission, and that any commission decision is subject to review by the Illinois courts. Consequently, no one can say with any degree of certainty at this time that the examiner's decision is a correct interpretation of the Illinois law.

It has been suggested, nevertheless, that the decision by the hearing examiner should be taken as indicative of the kinds of decisions which might be expected to be made by Federal bureaucrats if title VII of the pending civil rights bill were enacted. Of course, this is completely wrong. It would definitely not be possible for a decision like Motorola to be entered by a Federal agency against an employer under title VII. This is so for two very basic reasons.

First, unlike the Illinois commission, the Equal Employment Opportunities Commission established by title VII would have no adjudicative functions and no authority to issue enforcement orders. Its duties would be to receive and investigate complaints, to attempt to resolve disputes and to achieve compliance with the act through voluntary methods, and, where conciliation fails, to bring suit to obtain compliance in Federal court. Only a Federal court would have the authority to determine whether or not a practice is in violation of the act and only the court could enforce compliance. The Commisison not only could issue no enforcement orders, it could make no determination as to whether or not the act has been violated. Thus, enactment of title VII would not allow a Federal administrative agency to issue any compliance orders, much less one paralleling that of the Illinois hearing examiner.

Second, it is perfectly clear that title VII would not permit even a Federal court to rule out the use of particular tests by employers because they do not "equate inequalities and environmental factors among the disadvantaged and culturally deprived groups." Of course, it is not appropriate to comment here on whether the Motorola decision is correct as a matter of Illinois law. This is for the State commission and the State courts to determine. It is enough to note that the result seems questionable. There is no doubt, however, that such a result would be unmistakably improper under the proposed Federal law. The Illinois case is based on the apparent premise that the State law is designed to provide equal opportunity to Negroes, whether or not as well qualified as white job applicants.

The hearing examiner in the Motorola case wrote: "The task (of personnel executives) is one of adapting procedures within a policy framework to fit the requirements of finding and employing workers heretofore deprived because of race, color, religion, national origin, or ancestry. Selection techniques may have to be modified at the outset in the light of experience, education, or attitudes of the group. * * * The employer may have to establish in-plant training programs and employ the heretofore culturally deprived and disadvantaged persons as learners, placing them under such supervision that will enable them to achieve job success."

Whatever its merit as a socially desirable objective, title VII would not require, and no court could read title VII as requiring, an employer to lower or change the occupational qualifications he sets for his employees simply because proportionaly fewer Negroes than whites are able to meet them. Thus, it would be ridiculous, indeed, in addition to being contrary to title VII, for a court to order an employer who wanted to hire electronic engineers with Ph. D.'s to lower his requirements because there were very few Negroes with such degrees or because prior cultural or educational deprivation of Negroes prevented them from qualifying. And unlike the hearing examiner's interpretation of the Illinois law in the Motorola case, title VII most certainly would not authorize any requirement that an employer accept an unqualified applicant or a less qualified applicant and undertake to give him any additional training which might be necessary to enable him to fill the job.

Title VII says merely that a covered employer cannot refuse to hire someone simply because of his color, that is, because he is a Negro. But it expressly protects the employer's right to insist that any prospective applicant, Negro or white, must meet the applicable job qualifications. Indeed, the very purpose of title VII is to promote hiring on the basis of job qualifications, rather than on the basis of race or color. Title VII would in no way interfere with the right of an employer to fix job qualifications and any citation of the Motorola case to the contrary as precedent for title VII is wholly wrong and misleading.

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[1] Hearing examiners are apparently not full-time employees of the commission. A panel of attorneys residing throughout the State, including at least two from each of the five supreme court districts, are designated as hearing examiners. Article VIII, Rules and Regulations of Procedure of the Illinois Fair Employment Practices Commission.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. MANSFIELD. I ask the Chair to call the roll.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD]. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. DIRKSEN and Mr. RUSSELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DIRKSEN. Will the Chair state the question?

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 H.R. 7152, the Civil Rights Act of 1963.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FULBRIGHT. Mr. President, on this vote I have a live pair with the Senator from West Virginia [Mr. RANDOLPH]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. Moss], and the Senator from Wisconsin [Mr. NELSON] are absent on official business.

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

I further announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from California [Mr. ENGLE] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Idaho [Mr. CHURCH], the Senator from California [Mr. ENGLE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. Moss], and the Senator from Wisconsin [Mr. NELSON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. PEARSON], and the Senator from Wyoming [Mr. SIMPSON] would each vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 67, nays 17, as follows:

[No. 101 Leg.]

YEAS—67

| | | |
|---|---|---|
| Aiken | Hart | Miller |
| Bartlett | Hartke | Morse |
| Bayh | Hayden | Morton |
| Beall | Hickenlooper | Mundt |
| Bible | Hruska | Muskie |
| Boggs | Humphrey | Neuberger |
| Brewster | Inouye | Pastore |
| Burdick | Jackson | Pell |
| Byrd, W. Va. | Javits | Prouty |
| Cannon | Jordan, Idaho | Proxmire |
| Carlson | Keating | Ribicoff |
| Case | Kennedy | Saltonstall |
| Clark | Kuchel | Scott |
| Cooper | Lausche | Smith |
| Cotton | Long, Mo. | Symington |
| Dirksen | Magnuson | Walters |
| Dodd | Mansfield | Williams, N.J. |
| Dominick | McCarthy | Williams, Del. |
| Douglas | McGee | Yarborough |
| Edmondson | McGovern | Young, N. Dak. |
| Fong | McIntyre | Young, Ohio |
| Gore | Mechem | |
| Gruening | Metcalf | |

NAYS—17

| | | |
|---|---|---|
| Byrd, Va. | Johnston | Smathers |
| Eastland | Jordan, N.C. | Sparkman |
| Ellender | Long, La. | Stennis |
| Ervin | McClellan | Talmadge |
| Hill | Robertson | Thurmond |
| Holland | Russell | |

NOT VOTING—16

| | | |
|---|---|---|
| Allott | Fulbright | Pearson |
| Anderson | Goldwater | Randolph |
| Bennett | McNamara | Simpson |
| Church | Monroney | Tower |
| Curtis | Moss | |
| Engle | Nelson | |

So Mr. MANSFIELD's motion that the Senate proceed to the consideration of H.R. 7152 was agreed to, and the Senate proceeded to consider the bill.

Mr. MORSE. Mr. President, I move that H.R. 7152 be referred to the Committee on the Judiciary, with instructions to report it back to the Senate not later than April 8, 1964. I send the written notice to the desk.

Mr. SCOTT. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I should like to have the attention of the majority leader.

The ACTING PRESIDENT pro tempore. If the Senator from Oregon will send his notice to the desk, the clerk will read it.

The LEGISLATIVE CLERK. The Senator from Oregon moves that H.R. 7152 be referred to the Committee on the Judiciary, with instructions to report it back to the Senate not later than April 8, 1964.

Mr. MORSE. Mr. President, I should like to have the attention of the majority leader. Several Senators have asked me to yield to them as a matter of courtesy, without my losing my right to the floor. I should like to accommodate them, in order to save time. I would not want to take advantage of my position on the floor and not yield to them. I should like to yield first to the Senator from Pennsylvania [Mr. SCOTT], who I understand wishes to introduce a bill.

Mr. MANSFIELD. I am sure the leadership would not be averse to having the distinguished Senator from Oregon yield; but I would hope that if he does yield, Senators would not take advantage of his generosity and courtesy to make hour-long speeches. I would express the hope that the Senator from Oregon himself would make his main speech in behalf of his motion and that he would be followed by the distinguished minority leader, who I understand will speak in support of the motion, and, as I understand, will make certain explanations as to what he believes should be done about the bill. Then I should like to end the discussion by speaking for about 15 minutes, and moving to table the motion of the Senator from Oregon.

I should like to have this take place in a reasonable time, because immediately upon the conclusion of the action on this motion, one way or the other, it is the intention of the leadership to move that the Senate adjourn, in order to afford Senators an opportunity to return to their home States for a well-deserved holiday. I am sure that accords with the views of the Senator from Oregon.

Mr. ROBERTSON. Mr. President, reserving the right to object——

Mr. MANSFIELD. There is nothing to object to.

The ACTING PRESIDENT pro tempore. The Senator from Oregon has the floor.

Mr. MORSE. First, in a spirit of cooperation, I would be perfectly willing to have the majority leader, after he confers with whomever he wishes to confer, give consideration to a time limitation on this proposal.

Mr. MANSFIELD. How much time would the Senator from Oregon suggest?

Mr. MORSE. I have an idea as to what will happen. Perhaps the best way to proceed is to see if an agreement cannot be reached to vote at a reasonable hour. I am perfectly willing to have that done. However, I am aware of the situation we are likely to face, and I do not propose to put myself in the position of being discourteous to Senators, provided they conform to the rules of the Senate. As I understand, two or three Senators wish to speak for 2 or 3 minutes each on the motion, so as to place themselves on the record. I could force them to ask me questions, which the Senator from Montana knows would accomplish the same end.

Mr. MANSFIELD. No; the Senator from Oregon misinterprets what I said. I said a "reasonable time."

Mr. MORSE. I am not commenting adversely on anything the majority leader said. I am merely trying to explain to him my parliamentary plan. It will be my intention, unless objection is raised, to yield for 2 or 3 minutes to two or three Senators who wish to speak for the RECORD on the motion during the course of my remarks. However, if the Senator from Montana desires to have the rules enforced, I will see to it that the rules are enforced, and will require Senators to ask me questions which will accomplish the same purpose, although it will take about four times longer to proceed in that way.

Mr. MANSFIELD. That is not my intention.

Mr. MORSE. Perhaps the majority leader ought to speak with the Senator from Minnesota [Mr. HUMPHREY] and the minority leader [Mr. DIRKSEN] to see if a suggestion could be made as to a time when the Senate might vote. I do not know what the convenience of all Members of the Senate may be, and what plane schedules will have to be met; the majority leader does. Senators all know how they will vote on this question, although I hope that the unanswerable argument which I am about to make will be persuasive; but I am not sure that it will. I desire to cooperate. I should think a time could be set early this afternoon for the vote, and the intervening time could be divided. Perhaps the time for the vote could be set for 3 o'clock. Perhaps the vote could come sooner.

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

Mr. MORSE. I yield.

Mr. MANSFIELD. After consulting with various Senators, it is believed inadvisable, unfortunately, to ask for a unanimous-consent agreement to vote at a time certain. I am sure the leadership—and I would hope the Senate, as well—would have no objection to the Senator from Oregon, the proposer of the motion now pending, yielding to Senators who desire to make brief comments on the motion.

Mr. MORSE. I assure the majority leader that I will enforce the spirit of that suggestion. If I yield to any Senator, it will be for a brief time only.

Mr. President, several Senators have expressed the desire that the motion be read.

The ACTING PRESIDENT pro tempore. The motion has been read by the clerk. The motion of the Senator from Oregon is now before the Senate.

Mr. MORSE. That is an illustration of the disorder of the Senate, which is certainly not the fault of the Chair, for I did not hear my own motion read.

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

Mr. MORSE. I yield.

Mr. HOLLAND. I should like to address one or two questions on the motion to the Senator from Oregon. Do I correctly understand that if the motion is agreed to, the Committee on the Judiciary will be allowed, in its ordinary fashion, to render a written report on the bill, the report to become a part of the legislative record?

Mr. MORSE. There are two primary reasons why I desire to have the bill referred to committee. One is to afford the Committee on the Judiciary an opportunity to hold such hearings as it wishes to conduct. The second is to carry out what I think is the clear duty of the committee namely, to supply the Senate with a report and minority views, if there are Senators who wish to submit minority views. That is the inescapable duty of the Committee on the Judiciary. I shall deal with that point at some length before I finish my remarks. If ever there was an occasion when a committee owed

a responsibility to the Senate to provide the Senate with a committee report, this is an instance in which the committee owes a clear duty to the American people and the courts, in connection with the litigation that will be instituted for the next 10 years if the bill is passed.

Mr. HOLLAND. I believe the Senator has perhaps answered my next question, but is the purpose of the motion to allow the committee, if it be granted the right to consider the bill, to submit as many reports as necessary, both majority and minority, agreeing and dissenting, to become a part of the legislative record of this important bill?

Mr. MORSE. It is of great importance that that be done.

Mr. President, I understand that the Senator from Missouri [Mr. SYMINGTON] desired to me to yield to him. I apologize for not having previously yielded to him. He has left the Chamber momentarily. If a staff member would ask him to return, I shall be glad to yield to him.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield for a parliamentary inquiry?

Mr. MORSE. I yield.

Mr. McCLELLAN. Mr. President, do I correctly understand that the time for the debate on the motion to refer is not controlled?

Mr. MORSE. That is correct.

Mr. McCLELLAN. There has been no agreement in that respect?

Mr. MORSE. That is correct.

Mr. McCLELLAN. There have been comments to the effect that a few Senators would be privileged to speak, while others possibly would have to ask questions. I should like to have the parliamentary situation clarified. I do not understand that any Senator will be precluded from obtaining the floor in his own right and making whatever remarks he may desire to make, after the Senator from Oregon has concluded his remarks.

Mr. MORSE. That is correct. However, I believe the plan is that after two or three Senators speak, the old gag technique, by means of a motion to lay my motion on the table, will be applied.

Mr. McCLELLAN. I realize that; but I did not want it understood—by implication or otherwise—that I would agree to such a procedure.

Mr. MORSE. Neither would I agree to it.

Mr. President, I understand that a coffee hour is about to be held in the Foreign Relations Committee room. Of course, I have no objection to the holding of a social function while the Senate is in session, because no Senate rule prohibits that; but I have previously assured the chairman of the Foreign Relations Committee and other members of the committee that they will not be able to hold an official meeting of the committee while the Senate is in session. I do not know whether a transcript will be made of the meeting; but I assure them that if one is made, objection will be made if an attempt is made to make payment for it from the funds of the Senate.

I understand that during that coffee hour, the Senators present will listen to the Secretary of Defense present his alibis and excuses for the administration's course of action in regard to South Vietnam. I understand that the Secretary of Defense will also address the people of the country tonight. Unfortunately, the Senate will not be in session tomorrow; it will not hold another session until Monday. But I give notice that on Monday, I shall answer the Secretary of Defense, for his remarks will need to be answered. The advance notice of his remarks indicates that he intends to try to justify the unjustified policy of the administration in connection with the use of U.S. troops in South Vietnam.

Not only am I convinced that the course of action of the administration in regard to South Vietnam is entirely wrong, but I predict that the annals of history will show that that course of action will rise to plague our Nation.

Therefore, although I hope members of the Foreign Relations Committee will enjoy their coffee hour—even though most of the coffee served these days is chicory, I also hope they will take notice of the fact that the statements made by the Secretary of Defense in the committee this morning and the statements he plans to make over the television later today will be answered, because this administration has drawn the issue in regard to South Vietnam, and I am accepting invitations across the country to discuss the South Vietnam issue with the American people. Certainly they have a right to know the other side of that issue, and then make their judgment, and hold the administration to an accounting for the course of action it is following in regard to South Vietnam.

In speaking on the floor of the Senate yesterday afternoon, we answered—really—the President, when we expressed our disagreement with the policy of the chairman of the Foreign Relations Committee in regard to South Vietnam and some other policies of his. However, one would not know that on that occasion the President was answered, because the kept press that sits in the gallery over the clock to my left, or at least its editors, do not intend to permit the American people to hear voices of dissent with regard to this unsound American policy. The kept press intends to keep that covered up. However, the American people are beginning to learn the facts; and when they learn them, they will resent that situation, and their action will be just that much more vigorous.

From conversations this morning with other Senators, I understand that the television and radio announcers have not stated that I made my speech yesterday, but, instead, have announced that I would make it at a later time. Of course, that is a typical falsification by the news media, for I made no such statement. To the contrary, yesterday afternoon I spoke for approximately 1 hour and a half, and proceeded to answer both the President and the chairman of the Foreign Relations Committee; and also, by implication, I answered the Secretary of State and the Secretary of Defense.

I wish to make my position on that matter perfectly clear.

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. I understand that the Senator from Oregon is willing to yield to other Senators, to permit them to make statements concurring with his views. In that connection, would he prefer first to present his statement, and thereafter to yield to other Senators?

Mr. MORSE. I shall be glad to yield either before or after I make my statement. However, once I begin to make my major remarks, I shall prefer to complete them without yielding.

Therefore, at this time I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator from Oregon.

With respect to the issue now before the Senate, I contemplate voting in the affirmative. My decision to do so will be based on my judgment in regard to the procedural matter involved, not in regard to the merits of the bill.

Throughout my entire career as a lawyer and the 10 years during which I served as a judge, I learned clearly that there must be uniformity of treatment of problems; it is clearly wrong to attempt to apply different rules, on the basis of attempting to suit the whims of the one who is making the judgment.

In the Senate there has been rather uniform application of its rule that each bill is to be sent to a Senate committee, for study and report. During the 7 years I have served in the Senate, I have listened to many other Senators endorse that rule; and I subscribe to it.

This bill contains many titles. I state with a great deal of confidence that even when one sits down, applies himself most diligently, and brings to his study of this subject all the knowledge he has, he still will not be able to be certain of the meaning of many of the provisions of the bill.

Clearly it would be wrong to adopt the view that bills shall be referred to Senate committees only when that would suit the fancy or the cause of certain Senators. Clearly it would be fallacious and dangerous to subscribe to the view that bills would be railroaded by being referred to whatever committees would act either favorably or unfavorably, in accordance with the will of the sponsor.

So, Mr. President, I believe the Senator from Oregon is entirely correct in the position he takes in regard to this measure. He and other Senators who join him in that view will be criticized, of course; but if we allow criticism to warp our honest judgment, we shall not be worthy of being Members of the Senate or of the Congress.

A grave mistake was made 3 weeks ago when the bill was not sent to the committee. If it had been sent there at that time, hearings would have been conducted there, judgments would have been formulated, opinions would have been expressed, and today the bill would be before the Senate, ready to be dealt with in the normal procedure. However, that was not done.

I confess that it was easier for me to vote 3 weeks ago in favor of sending the bill to committee than it will be for me to vote today on that question. However, it is still true that a very important principle is involved—a principle which I

have always considered one of the sacred aspects of our democratic system; namely, uniformity of treatment, equal justice to all. Therefore, Mr. President, regardless of the significance of this bill, it clearly does not warrant treatment different from that given to other bills which come before the Senate.

Finally, Mr. President, I submit a bit of documentary support. Our deceased and martyred President in 1957, when a civil rights bill was before this body, voted contrary to the judgment of the majority to send the bill to the committee.

The then majority leader, now President of the United States, Lyndon Johnson, voted against the majority and said that the bill should be sent to committee.

The present majority leader on the Democratic side similarly voted for referral of the bill to committee.

The situation today is no different from what it was then. For our own honor and respect for the orderly procedures of the Senate, it behooves us to refer the bill to the committee with a definite limitation upon the time when it shall be brought back.

Mr. President, if the bill is not reported back to the Senate at the designated time, and arguments are made which would contemplate delay in the reporting of the bill, I shall vote for prompt cloture to bring the bill back to the Senate.

I thank the Senator very much.

Mr. MORSE. Mr. President, I thank the Senator for the support he has given me. I agree with everything that he has said, except that I would make one little modification. He has said he would vote with a little less enthusiasm today to send the bill to committee than he would have voted 3 weeks ago. I shall take out of order now one of the arguments I had planned to make in support of sending the bill to the committee.

I believe there is much stronger reason today to send the bill to committee because of the debate that has occurred on the floor of the Senate during the last 14 days. I have listened to much of that debate. I have listened to the Senators from Alabama [Mr. SPARKMAN and Mr. HILL], the Senators from Georgia [Mr. RUSSELL and Mr. TALMADGE], the Senator from South Carolina [Mr. THURMOND], and the Senator from North Carolina [Mr. ERVIN]. I have listened to all the opponents of the bill.

I have listened to the Senator from Pennsylvania [Mr. CLARK], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Montana [Mr. MANSFIELD], and many other proponents of the bill.

If I ever saw a bill that needed to be clarified for the courts by way of a committee report, the argument which has taken place on the floor of the Senate in the past 14 days has shown that bill to be the one before the Senate.

The Senators to whom I have referred have proved my case. They did not know they were proving it at the time, I am sure, but they have proved my case for sending the bill back to committee in order to obtain a committee report.

Those Senators cannot agree on any part of the bill. They cannot agree on definitions. They cannot agree on meanings. What can we expect the courts to do when they come to consider legislation about which Senators are in such disagreement?

But I will suggest what those Senators can do. They can sit down and write a scholarly majority report that the courts can use in the hotly contested litigation that will take place in innumerable cases in the next decade. If I say nothing else today, I hope Senators will remember that the essence of the position of the Senator from Oregon is that the Senate has a duty—spelled "d-u-t-y"—to the courts of our country to give the courts the benefit of both majority and minority views, and to use those views as the basis for cross-examination in the debate that will follow as to the meaning of the bill.

I desire that committee report on which to buttress the arguments that the Senator in charge of the bill has asked me to make on certain constitutional issues involved in the bill. I have been assigned certain major constitutional issues involved in the bill to present later in the course of the debate. I shall do the best I can, for I am for the strongest possible bill. But I should like to have a committee report to which I can refer in that discussion and make the legislative history in relationship to that committee report for the future reference of the courts of our country. For that reason, I believe it is more important now than 3 weeks ago that the bill be referred to the committee.

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

Mr. MORSE. I yield to the Senator from Ohio.

Mr. LAUSCHE. Probably the words I used had an improper impact. My hesitation came from my hope that the Senate will dispose of the business before it. But the other aspect of the problem is so grave, and the delay of 10 days so inconsequential, that I cannot abandon my original judgment. Conformity to orderly procedure is more important than rushing the bill through.

In conclusion, let us remember that when we think we are doing the greatest good by setting aside law and rules, we find that eventually a disregard for orderly procedure will come back to haunt us—and it will in the present case because of the many ramifications and the novel provisions contained in the bill.

I thank the Senator very much for yielding to me.

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

Mr. MORSE. I yield.

Mr. CLARK. I have read the Senator's motion at the desk. I should like to inquire of the Senator whether he thinks the words of the motion are appropriate for the result which he would like to achieve. I make that statement for the following reason:

It is my recollection that on a previous occasion a bill on a subject pertaining to civil rights was referred to the Committee on the Judiciary with instructions to report back on a day certain. The Judiciary Committee did, without recommendation; and that, I believe, was strictly within the language of the terms of reference.

Earlier this year there was a somewhat similar situation in the Committee on Banking and Currency, on which I serve, when there was referred to that committee the Mundt wheat bill, which dealt with the sale of wheat to Russia. But in that instance the committee was directed to report back its judgment as to whether the bill should or should not pass.

By a vote of 8 to 7 we recommended that the bill should not pass. The chairman of the committee, the junior Senator from Virginia [Mr. ROBERTSON] was very insistent—and he had time on his side—that neither a majority report nor minority views should be prepared and filed.

In the light of the language in the Senator's motion I am fearful that the same thing will happen in the Committee on the Judiciary which, as we know, is under the very careful control of the Senator from Mississippi [Mr. EASTLAND]. He will never even poll the committee. There will be no report, so that in the end we shall have some testimony which will merely reiterate much of the testimony already taken in two other committees and in the House, and we shall have wasted 10 days.

If the Senator could assure the Senate that if his motion were agreed to the Senate would get written reports, including majority and minority views, by the time fixed, I would be much more inclined to support the Senator's motion. But, as I read what I take to be the legal meaning of his language, it would be within the power of the chairman of the committee, who I am afraid would prevent a report from being made.

Mr. MORSE. While I am making my legal argument, I wish the Senator from Pennsylvania would confer with the Parliamentarian. The motion was written by the Parliamentarian. I was assured that it would accomplish the purpose that I have in mind. As the Senator from Pennsylvania knows, I first desired to include in the motion a requirement that the bill be made the pending business when it was reported back to the Senate. The Senator will recall the conversation I had with him. But I checked with the Parliamentarian, and he said that such a provision would be out of order and could not be included.

The point I wish to make is that I am assured nothing can stop a majority of the members of the Committee on the Judiciary from writing and signing a majority report and filing it with the Senate as a report of the majority.

No chairman of any committee could stop it if he tried it. It would be presumptuous of me to presume that the chairman of the Judiciary Committee would try it. I shall have something to say later about that, in my prepared statement. I wish to cover this point now.

In my judgment, a clear duty rests on the majority of the Judiciary Committee who favor a civil rights bill to get busy

and start preparing a report on the bill, and sign it, and submit it to the Senate on April 8th. That would be a report of the majority of the Judiciary Committee, no matter how opposed to the report the chairman of the committee might be.

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

Mr. MORSE. I yield.

Mr. CLARK. I would hope my friend from Oregon would prove to be correct. He might. I fear—and I am afraid my fears are justified—that the end result of the language used in the motion will not be the result the Senator wishes. I would hope the Senator, who is a skilled parliamentarian and a first-class lawyer, would think long about the wording the Parliamentarian put in the motion, because, as I read it as a lawyer, it is subject to the interpretation that, first, no written report need be filed, and, second, that when the bill comes back it will not be the pending business.

Mr. MORSE. If after consultation with the Parliamentarian the Senator from Pennsylvania still holds that view, I announce that I will be willing to accept any modification of the motion the Senator from Pennsylvania suggests is necessary in order to assure that there can be a majority report and minority views, within the rules of the Senate.

Whatever the Senator from Pennsylvania decides is necessary in the changing of this language—if a language change is needed—is acceptable to me. I would not have offered it in this form if I had not satisfied myself that the motion would accomplish the purpose sought. But if the Senator will tell me what change he wants, I shall be glad to accept the change.

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

Mr. MORSE. I yield, without losing my right to the floor.

Mr. GRUENING. As one who will support the motion of the Senator from Oregon and will fight for a strong civil rights bill, which I have been convinced for a long time has been necessary, and indeed long overdue, I ask the Senator if there is any danger, if his motion prevails, that when the bill comes back from the Judiciary Committee it will not be the pending business, and that there is likely to be a further delay of days, such as we have had in the last 2 weeks, before the bill can be taken up.

Mr. MORSE. I wish to make it very clear that it will not be the pending business, but the Senate is going to have to face that question one way or another, anyhow. What difference does it make in the long run? We shall have all summer, if the opposition wants to fight all summer, in order to overcome the parliamentary tactics that the opposition will use to prevent a vote. I am not at all impressed with the argument that we may find it necessary to invoke cloture to get the bill back on the calendar. So what? We may have to invoke cloture a second time. So what?

We must make up our minds whether or not we are going to fight this battle in the alleys and from the housetops and in the corridors and at the crossroads—parliamentarily speaking—for as long as it takes. We may have to vote cloture two or three times with respect to some aspects of the debate. That is a part of the problem. If the Senate has the votes for cloture, it will continue to have the votes for cloture, because the issue will be the same—ending the debate.

Refusing to send the bill to committee cannot be justified on the ground that when the bill comes back to the Senate, it will not be the pending business. We will make it the pending business. Let the opposition talk for a while.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MORSE. I shall yield to the Senator from Delaware, but let me make clear that if there are any procedural questions to be asked, the Senator should ask them now, because once I start my legal argument, I will not yield until I complete it. I want it to appear in continuity in the RECORD. In fairness to the RECORD, I owe it to those who support me to make the speech without interruptions. But I am glad to yield to the Senator for any questions he wants to ask now.

Mr. WILLIAMS of Delaware. I thank the Senator for yielding. I wonder if the Senator from Oregon will amend the motion to provide that when the bill is reported back on April 8, it will automatically be the pending business.

Mr. MORSE. I had proposed that. The Parliamentarian advised me it would be subject to a point of order.

Mr. WILLIAMS of Delaware. I understand from the Parliamentarian that it would be subject to a point of order. I wonder if it would be worth the effort to try it, anyway. Perhaps no point of order would be made.

Mr. MORSE. Does the Senator really think so?

Mr. WILLIAMS of Delaware. We can try it. I am sure many votes would depend on whether or not such a provision were included as a part of the motion. I think it would be well worth the effort. Perhaps by unanimous consent there could be an agreement reached that if the motion carried, the day the bill was reported back it would be made the pending business.

Mr. MORSE. Let us try to obtain such a unanimous-consent agreement before the vote this afternoon. The Senator from Delaware may not appreciate my view, but I find it impossible, as a lawyer, to put something in the motion that I know is subject to a point of order. That is not very artistic work for a lawyer to engage in.

I think the Senator from Delaware knows that a host of objections would be made. The Senator does not think the opposition would agree to that request, does he? I take judicial notice that my wonderful but mistaken friends from the South would almost rise as a body to raise a point of order.

Mr. WILLIAMS of Delaware. Would not that be an indication that the person who objects is more interested in an issue than in an orderly consideration of this subject?

Mr. MORSE. I think we can take judicial notice that they are interested in killing the bill by any exercise of their parliamentary rights.

Mr. WILLIAMS of Delaware. I am not at all sure the objection would come from the quarters the Senator from Oregon thinks it would; so I wonder if he would try it.

Mr. MORSE. I am willing to put the unanimous-consent request, without changing my motion. It would be inartistic for me to do that. As a lawyer, I do not like to propose something that I know is illegal when I propose it. My profession is criticized enough for trying to support illegal proposals. I could not do that. But I would go along, before the motion was put to a vote, with asking unanimous consent that there be an agreement that the bill be made the pending business when returned to the Senate.

Mr. WILLIAMS of Delaware. I appreciate that.

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

Mr. MORSE. I yield.

Mr. MANSFIELD. I think I should state that if such a motion is made I would like to be notified. I give notice that I would raise a point of order, and I would object to the unanimous consent request.

Mr. MORSE. Therefore, I am not going to make the unanimous-consent request. I would not think of putting the majority leader in that position.

Mr. MANSFIELD. The Senator knows that he would not put me in any position. Many other Senators would offer the objection. I believe he knows that.

Mr. MORSE. I agree. The Senator will agree that my reply to the Senator from Delaware was appropriate, in view of this discussion.

Mr. MANSFIELD. And the point would be raised on both sides.

Mr. MORSE. Yes.

Mr. WILLIAMS of Delaware. I thank the Senator for accepting the suggestion. I respect the majority leader, but I do not understand why he would object to its being made the pending business, immediately upon the bill being reported back to the Senate. It would seem to me that after 3 weeks of delay in trying to make the bill the pending business, that is exactly what he would want when the bill was reported back.

Such an agreement would in no way affect the right of each Senator to vote for or against the motion. It would only insure immediate consideration of the bill on April 8 should the motion carry. But I respect his views and would still hope the Senator will raise that question.

Mr. MORSE. Not now. I have already raised it and received my answer.

Mr. KEATING. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. KEATING. The Senator is sincere in making the motion, as we know, and has stated there were differences of opinion in the debate so far concerning definitions in the bill, and so forth. Certainly, there have been differences. Does the Senator really feel in his heart that any of those differences would be resolved by sending the bill to committee and re-

ceiving a majority report and minority views?

Mr. MORSE. This question will be resolved in the courts of America, not by sending it to committee. The thesis of my remarks is that we are not giving the courts the best evidence as to congressional intent. It is that simple. I believe we have a duty to give the courts the best evidence of congressional intent—or at least to try to do so.

I know some of the views of the Senator from New York—and undoubtedly he will express them again—as to the situation that exists within the committee; but we shall never know until we try. I believe the odds are all in favor of obtaining a good committee report.

I do not flatter the Senator from New York—and in this I am as sincere as I can be—but the fact is that the Senator from New York is a member of the Judiciary Committee. That means a great deal to me. The fact that he is on that committee gives the Senate great assurance that the Senate will get a legal document by way of a committee report for which in the decade ahead the courts will thank the committee. So will the Senate. I wish to have that legal service from the Senator from New York. I do not wish to deprive him of the opportunity to join in the preparation of a majority report which I am sure he would join in preparing, if the bill is referred to committee for 10 days.

Mr. KEATING. I do not wish to delay the Senator starting his speech. He has been kind and generous. I might tell him, however, that yesterday one of my constituents, who heard the Senator's gracious reference to me as being one of his teachers in the field of civil rights, asked me whether the Senator from Oregon flunked the course.

Mr. MORSE. That constituent was not in the class. If he had been in the class, he would not have made that comment.

Mr. KEATING. That is probably true.

I feel that the Senator is unrealistic about what will happen in the Judiciary Committee, unless all history is changed. There will be no amendments voted on. There will be, perhaps, one or two witnesses called. This same question came before the Senate in 1960, and the actual work in the Judiciary Committee was far from fruitful. The committee reported the bill back without any recommendations, which I assume it would be permitted to do under the motion before the Senate at the present time.

Mr. MORSE. I will cover that part in my speech.

Mr. President, I proceed with my argument in support of the motion. As I have announced, I shall not yield until I finish reading the manuscript, a copy of which is on the desk of each Senator.

It will be noted that it involves considerable technical and legal discussion of cases and, therefore, in fairness to myself and to those who support the motion, I shall not yield.

Before I turn to the manuscript, I wish to put to rest a cloakroom rumor about the position taken by civil rights forces in this country, to the effect that they are all against the Morse motion.

I should like to make it clear to the proponents of civil rights legislation, of which I am one, that civil rights proponents, including proponents among the Negroes of America, are far from unanimous in opposition to the motion.

Prominent Negro leaders have come to my office in recent days and expressed their complete approval of my motion, once they came to understand it.

One of the great Negro women of America came to my office believing she was against my motion and she spent an hour with me. Now she is out in the country making it clear to Negro civil rights groups that she believes I am right and some of their leaders wrong in their opposition.

It is true that a large number of Negro leaders are against the bill going to committee, for the major reason that they do not wish any amendments made to the bill. They wish us to rubberstamp the House bill. Their motives are mixed. In part, they wish us to rubberstamp the House bill because they believe that if any amendments are added to the bill in the Senate committee, or on the floor of the Senate, and it has to go to conference, it might encounter difficulties on the House side with the Rules Committee.

I believe we are in rather bad shape if on the House side the proponents do not have sufficient votes for a civil rights bill to discharge the Rules Committee if it should raise any objections against sending a bill that comes out of the Senate to conference. Of course, this is all hypothetical.

If I have listened to an argument without any substance, it is the argument that Senators should be against the Morse motion on the ground that if the motion should be agreed to, the result might be some amendments; and that if amendments were made and the bill went to conference, the result might be a "hassle" on the House side, and there might be difficulty with the Rules Committee in the House.

What an argument. I make my last answer to the argument by saying: Does anyone seriously think the bill will pass the Senate without amendment? Does anyone think we could pass the bill in its present form if we lack cloture?

More than that, since when do we sit in the Senate and act as rubber stamps for the House, yielding to any argument that we must not interpose anything the House presents on a major piece of legislation such as this? If Senators ever owed a solemn trust to their constituents, they owe it to them in connection with this bill, for this is a bill of great importance to the country.

We had better take the bill and analyze it section by section in committee and section by section on the floor of the Senate, so that when Senators answer the final rollcall on the bill they will have kept their trust.

We have no right to pass the buck, so far as our obligations on the bill are concerned, to the House of Representatives, particularly, as I shall point out later, because when we read the report of the committee of the House of Representatives, we find in that report one little paragraph which can be used by a court in the future in passing judgment upon the meaning of the bill as it went to the House. We do not have anything now that can be helpful to a court in determining the meaning of the bill as it came from the House. The discussions on the floor of the Senate between the pros and the cons in the past 14 days would not be of any help to a court, either.

I shall now proceed to my manuscript, to prove it.

Mr. President, throughout the Senate's consideration of civil rights legislation I have consistently urged that the Senate function through its normal procedure of sending the bill to the Senate Judiciary Committee for hearings and a report. I took this position in 1957, in 1960, and I am taking it again in 1964.

My first and foremost interest is in expediting the work of the Senate itself. In the 20 years that I have been in this body, I have never known a debate, or consideration of a measure, that was not expedited in many ways when it came to the floor with a committee report explaining its terms and their meaning. I have seldom known a time when the Senate was not in deep water when it considered a major bill or amendment that did not have hearings and a committee report explaining it.

This does not mean that I have not myself offered and supported far-reaching floor amendments that did not come from a committee. I have done so in the past and shall undoubtedly do so in the future. But I know very well the handicap that is imposed upon every Member of this body when we try to draft legislation on the floor of the Senate.

On some subjects, the background of hearings and a committee report is more vital than on other subjects. But there is no issue that is ever considered by this body that is more legalistic, that is more intricately wrapped up in legal precedents and meanings, than is civil rights legislation. One other class of legislation that is also highly legalistic is labor-management legislation, and before I am through with my speech, I am going to tell the Senate what the U.S. Supreme Court said about one effort of this body to draft labor legislation on the floor of the Chamber.

As a lawyer, and as a teacher of law for many years, I read this civil rights bill, H.R. 7152, with many unresolved questions of what term after term and phrase after phrase of it really mean. One almost has to be a lawyer just to detect the complexities in it.

I am a cosponsor of the companion bill, S. 1731. I am proud to be a cosponsor of that civil rights bill. I know what kind of legislation I think should be enacted on this subject, and I hope S. 1731 accomplishes what I have in mind as a cosponsor.

But I know all too well that there are infinite questions that could be put to me about the exact impact of it that I could not answer. Frankly, I have some doubts that the language of the bill really goes as far and does as firmly and conclusively what I believe it should. I can see that there may well be other laws

and precedents that would vitiate some of the provisions of either H.R. 7152 or S. 1731.

I am primarily anxious that the House-passed bill undergo the committee procedure in the Senate because I want to be sure it is as strong a bill as I think it should be. Moreover, it was amended on the House floor. For the meaning and import of those amendments we have no guidance except what was said about them in the House debate. One can easily see why the courts are reluctant to go to floor debates for the intent of Congress.

One section of the bill in which I am most interested is title VI. It deals with the termination of Federal financial participation in programs or activities of the States that are segregated. I introduced S. 1665 on June 4, 1963, requiring administrators of all Federal participation programs to cut off such aid to any segregated portion of it. I think that should have been done already, because I do not believe Federal money can be disbursed for activities that are unconstitutional. But I also believe that Congress has the duty to establish a policy on this matter if the administration has failed to do it.

Let me stress the fact that, in my judgment, from the President on down in the administration, the constitutional power to do that has always existed. Be that as it may, I believe legislation is needed that would leave no room for doubt as to mandatory compliance on the part of the President and the executive agencies of the Government.

Mr. President, I ask unanimous consent that the text of Senate bill 1665 be printed at this point in my remarks.

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the policy of the United States that, in all programs administered or executed by or for the benefit of the States or their political subdivisions and supported, in whole or in part, with funds provided by the United States, no individuals participating in or benefiting from such programs shall be segregated or otherwise discriminated against because of race or color.

SEC. 2. No moneys shall be paid by the United States to or for the benefit of any State or political subdivision thereof under any program of Federal assistance—

(1) to plan or provide facilities, services, benefits, or employment in such State or political subdivision,

(2) to defray administrative expenses of a program in such State or political subdivision, or

(3) to defray the cost of carrying out a program in such State or political subdivision,

if the participants in or beneficiaries of such program in such State or political subdivision are segregated, or otherwise discriminated against because of race or color.

SEC. 3. The programs of Federal assistance referred to in this Act include, but are not limited to, programs—

(1) to assist the construction of hospitals, schools, highways, airports, parks and recreational areas, community facilities, and public works generally;

(2) to provide old-age assistance, medical assistance for the aged, assistance to needy families with children, assistance for maternal and child welfare, assistance to the blind, assistance to the disabled, and public health and welfare assistance programs generally;

(3) to provide financial assistance to the unemployed and assistance in the training, retraining, and placement of workers;

(4) to provide assistance to business, including agriculture;

(5) to provide assistance to educational institutions and to individuals for educational purposes; and

(6) to provide assistance to National Guard and civil defense activities.

Mr. MORSE. Mr. President, title VI of the civil rights bill deals with the same problem. The House Judiciary Committee report describes the meaning and intent of title VI as it was reported from the Judiciary Committee. But that title was amended on the House floor. The amendment states that no action shall be taken to cut off the Federal share of these moneys except on the direction of the President. In my opinion, that destroys the entire policy direction of S. 1665, and of the House bill as it came from the committee.

The President already has this authority, in my opinion; it is the lack of action under it that I think Congress should correct, because it is ultimately the responsibility of Congress to establish the policy for the disbursements of Federal funds, be they for hospital construction or foreign aid.

Another section in which I have tremendous interest is title III. This is similar to the old title III of the civil rights bill of 1957. I voted against the 1957 bill when title III was dropped out of it because I thought its removal left nothing but a piece of paper—the wrapper on that old loaf from which the bread had been removed.

This title authorizes the Attorney General to institute proceedings under certain circumstances to protect the rights of citizens. I warn Senators that they are entering one of the most treacherous shoals of legislation when they deal with the litigious powers of Federal authorities. If we do so without benefit of our own hearings and our own committee's report on this title, we may not actually do what we sponsors and backers of civil rights legislation want to do in passing this legislation.

It is not only the language of the bill that will confront us. There will be amendments offered, too. We are going to be on fluid and shifting ground in trying to say what the effect of amendments will be, when we have no firm guide of our own on what the language of the title itself means.

Yes, we have the report of the House Judiciary Committee. But it deals only with the bill which went to the House floor. We have no guide except what we have been able to scrounge as to what the amended bill means. Moreover, it is a very cryptic report. Virtually all of it is a section-by-section analysis, which is only descriptive of the legislation. The section entitled: "Purposes and Content of the Legislation" consists of only one paragraph.

We have the House report. And we have the brief prepared by the Justice Department. These are the most definite guides the Senate has as to the meaning of H.R. 5172. But the House report describes it not as it came from the House floor—only as it went to the House floor.

Why, moreover, should not the Senate function as the separate body it is? We are not the retainers of the Justice Department. In the legislative process, it is the agencies that are supposed to be on tap, not on top. But if we proceed with the bill without benefit of our independent legal study of it, we will be almost entirely dependent upon the Justice Department for guidance.

COMMITTEE REPORT NEEDED TO HELP SENATE

Our operations on the Senate floor will be characterized by guesses and by curbstone judgments throughout the consideration of the bill. If one does not think so, he should read the CONGRESSIONAL RECORD for the past 14 days, or he should have listened to as much debate as I have heard for the past 14 days. As I said earlier, if ever a case was made for a bill to be referred to the Judiciary Committee, it has been made in the debate during the past 14 days. No court could bring any rhyme or reason out of the RECORD if it sought to use it in trying to determine the legislative intent of the Senate.

As one who is profoundly anxious to enact, at long last and 100 years late, a meaningful enforcement of the 13th, 14th, and 15th amendments, I do not want our forces to go into this fray with such a handicap.

There is no quality that works so much against our side as the quality of doubt. Senators who are doubtful of the meaning of words are the least likely to vote to put those words on the statute books. How often have we said to each other: "Well, I don't think I want to vote for that because I don't know just what its effect will be"? In the end, such doubts lead to no legislation at all.

This is why I believe those of us who strongly favor and support this bill will be in a better and a stronger position to get it adopted intact if we have a committee report behind us. A committee report will strengthen our hand. A committee report will make much easier the task of those of us assigned to act as floor managers for various titles of the bill. Some of the titles have been reported as separate bills, including the public accommodations title and the fair employment title. But we are on our own when it comes to the important matters of title I on voting rights, title III on the authority of the Attorney General to institute desegregation proceedings, title IV on desegregation of schools, title V on the Civil Rights Commission, and title VI on federally assisted programs.

We have a duty to see to it that we have a committee report which will give meaning to our action by way of legislative intent, to which the courts can later resort.

RELIANCE OF COURTS UPON COMMITTEE REPORTS

Beyond our obligation to ourselves to legislate with the best means we have of informing and educating ourselves, we also have an obligation to leave to those who will litigate under a civil rights statute a sound record of our intent. This is important to the litigants them-

selves, and to the courts who one day will be called upon to apply our handiwork to specific cases.

As I have in years past, I wish to make available for Senators what the Supreme Court has said and done over the years about finding and evaluating the intent of Congress.

In one of its earliest cases which touched on this point, Chief Justice Taney made these comments in 1845 in *Aldridge* v. *Williams* (3 How. 9). He was discussing the construction of a tariff act:

In expounding this law, the judgment of the Court cannot in any degree be influenced by the construction placed upon it by individual Members of Congress in the debate which took place on its passage, nor by the motives or reasons assigned by them for supporting or opposing amendments that were offered. The law as it passed is the will of the majority of both Houses, and the only mode in which that will is spoken is in the act itself; and we must gather their intention from the language there used, comparing it when any ambiguity exists with the laws upon the same subject, and looking, if necessary, to the public history of the times in which it was passed.

In 1897 a court again commented, in a much quoted decision:

Looking simply at the history of the bill from the time it was introduced in the Senate until it was finally passed, it would be impossible to say what were the views of a majority of the Members of each House in relation to the meaning of the act. It cannot be said that a majority of both Houses did not agree with Senator Hoar in his views as to the construction to be given to the act as it passed the Senate. All that can be determined from the debates and reports is that various Members had various views, and we are left to determine the meaning of this act, as we determine the meaning of other acts, from the language used therein.

There is, too, a general acquiescence in the doctrine that debates in Congress are not appropriate sources of information from which to discover the meaning of the language of a statute passed by that body. *U.S.* v. *Union Pacific Railway Co.* (91 U.S. 72, 79); *Aldridge et al.* v. *Williams* (3 How. 9); *Mitchell* v. *Great Works Milling and Manufacturing Co.* (2 Story 648, 653); *Queen* v. *Hertford College* (3Q.B.D. 693, 707).

The reason is that it is impossible to determine with certainty what construction was put upon an act by the Members of a legislative body that passed it by resorting to the speeches of individual Members thereof. Those who did not speak may not have agreed with those who did; and those who spoke might differ from each other; the result being that the only proper way to construe a legislative act is from the language used in the act, and upon occasion, by a resort to the history of the times when it was passed.

In this case, *U.S.* v. *Trans-Missouri Freight Association* (166 U.S. 290, 318), the Court was construing the Sherman Antitrust Act.

In 1914, the Court brought in committee reports as a guide to congressional intent *Lapina* v. *Williams*, 232 U.S. 78, 1914. In construing an immigration act, the Court said:

Counsel for petitioner finds the debates in Congress as indicating that the act was not understood to refer to any others than immigrants. But the unreliability of such debates as a source from which to discover the meaning of the language employed in an act of Congress has been frequently pointed out, and we are not disposed to go beyond the reports of the committees.

In this decision the Court quoted the reports of both the House and Senate committees.

In *U.S.* v. *St. Paul M. & M. Railway Co.* (247 U.S. 310, at 318(1918), the Supreme Court enlarged its reliance upon committee reports to include the floor statements of the committee chairman managing the bill. It said:

It is not our purpose to relax the rule that debates in Congress are not appropriate or even reliable guides to the meaning of the language of an enactment. But the reports of a committee, including the bill as introduced, changes made in the bill in the course of its passage, and statements made by the committee chairman in charge of it, stand upon a different footing, and may be resorted to under proper qualifications * * *. The remarks of Mr. Lacey (chairman of the committee and in charge of the bill) and the amendment offered by him * * * were in the nature of a supplementary report of the committee * * * they may very properly be taken into consideration as throwing light upon the meaning of the proviso * * * to remove any ambiguity.

I invite the attention of Senators to the strong influence of the case of United States against St. Paul M. & M. Railway Company in 1918. There is not a Senator who has not witnessed the influence of the St. Paul case on Senate proceedings many times during his tenure. I have witnessed it time and time again during my 20 years in the Senate.

What is the procedure? We get into a forensic argument as to the meaning of something in a bill. We ask the chairman of the committee, if he is with the majority, or we ask a member of the majority of the committee if the chairman is not with the majority, or is not available, to answer questions.

We say we are making legislative history. How do we do that? We write out questions and we talk with the chairman or another Senator whom we intend to cross-examine before we ever come to the Chamber. Usually the Senator writes out his answers to our questions.

We stand in the Chamber and formally say: "I would like to ask some questions of the Senator in charge of the bill, or of the chairman of the committee."

The Senator reads the first question, and the chairman answers the question from another copy. The Senator reading the questions has the answers before him. He knows what the answers will be. We follow that procedure, which is quite proper, because we want to make the history. We want to help the Court, because we are following the decision of the Court in the famous St. Paul M. & M. Railway Company case in 1918, from which I have just quoted.

And in *Imhoff-Berg Silk Dyeing Company* v. *U.S.* (43 Fed. 836, at 837–838 (D.C. N.J., 1930)):

While legislative debate, partaking of necessity very largely of impromptu statements and opinions, cannot be resorted to with any confidence as showing the true intent of Congress in the enactment of statutes, a somewhat different standard obtains with reference to the pronouncements of committees having in charge the preparation of such proposed laws. These committee announcements do not, of course, carry the weight of a judicial opinion, but are rightly regarded as possessing very considerable value of an explanatory nature regarding legislative intent where the meaning of a statute is obscure.

In the famous case of *Duplex Company* v. *Deering* (254 U.S. 443 at 474–575, 1921), the Court said:

By repeated decisions of this Court it has come to be well established that the debates in Congress expressive of the views and motives of individual Members are not a safe guide, and hence may not be resorted to, in ascertaining the meaning and purpose of the lawmaking body (citations). But reports of committees of House or Senate stand upon a more solid footing, and may be regarded as an exposition of the legislative intent in a case where otherwise the meaning of a statute is obscure (citation). And this has been extended to include explanatory statements in the nature of a supplemental report made by the committee member in charge of a bill in course of passage

That was a reiteration by the Supreme Court of its decision in the old St. Paul M. & M. case, which, as I have stated, is faithfully followed time and time again on the floor of the Senate, during each session of the Senate, as Senators try to build up legislative histories of bills.

Lest it be thought that these cases are those of ancient history and no longer applicable, let me bring to Senator's attention a 1942 case. In *U.S.* v. *Wrightwood* (315 U.S. 110, 1942), the Court had to construe the Agricultural Marketing Agreement Act of 1937. In construing that act, and after citing the House and Senate committee reports, the Court said:

The opinions of some Members of the Senate conflicting with the explicit statements of the meaning of the statutory language made by the committee reports and members of the committees on the floor of the Senate and the House are not to be taken as persuasive of the congressional purpose.

On the contrary, the Court relied on the committee report.

But a 1947 case has the greatest relevancy to our present situation. This case was the upshot of the strike of the United Mine Workers after the Government had taken over the mines under the War Labor Disputes Act and had obtained a temporary restraining order to keep the miners on the job. In *U.S.* v. *United Mine Workers* (330 U.S. 258, 1947), the Court had to construe the War Labor Disputes Act and the Norris-LaGuardia Act of 1932, since there was a question whether the Federal injunction could lie against workers in light of the Norris-LaGuardia Act. So the question arose whether the Norris-LaGuardia Act included the U.S. Government in the term "employer," and hence forbade the use of injunctions in industries seized by the Government. The question also arose whether Congress had meant to amend the Norris-LaGuardia Act when it passed the War Labor Disputes Act.

What became the War Labor Disputes Act over Franklin Roosevelt's veto was popularly known as the Smith-Connally bill. It was introduced first as S. 796 by Senator Connally. No hearings were

held on S. 796 itself, although hearings on similar bills had been held by the Senate Judiciary Committee in the preceding Congress. S. 796 was reported from the Senate Judiciary Committee; but no hearings were held by the committee on it.

That situation bears some similarity to the present situation, for it will be recalled that several weeks ago the Senator from Minnesota [Mr. HUMPHREY], who is in charge of the bill on the floor of the Senate, and who is doing, and will continue to do, a magnificent job, discussed the situation to which I have referred in connection with this case; namely, a situation in which the Court pointed out that no hearings had been held on the Smith-Connally bill, although hearings had been held in previous Congresses on similar bills. Several weeks ago the Senator from Minnesota piled up on his desk a number of committee reports and a number of committee hearings of previous years on other civil rights bills, and used them in support of his fallacious contention that there were already plenty of hearings and plenty of committee reports on civil rights bills, and that there was no need to have more committee hearings and committee reports on that subject. However, I say good naturedly that my friend, the Senator from Minnesota, is a pharmacist, not a lawyer; so I am not surprised that he missed this basic point of parliamentary law. We lawyers are inclined to say that arguments such as the one he made then are immaterial, inconsequential, and irrelevant; and that argument of the Senator from Minnesota was such.

The only position taken by the Supreme Court on this point—as made clear by the position it took on the Smith-Connally bill—is that it will consider only reports and hearings on the bill under consideration, not on other bills.

Therefore, I point out that the only report or hearings the Court will consider when this bill finally is brought before it is whatever committee hearings and committee report there may be on this bill, not on any other bill.

In 1943, after some debate and action on some amendments, Senator Connally offered a substitute for his whole bill. That amendment was really an entirely different bill, and there were no committee hearings on it. Likewise, today we have before us a House bill, and there has been no Senate committee hearing or Senate committee report on it. That was the situation which Senator Connally created when he offered that amendment in the nature of a new bill. The majority leader at the time was the incomparable, great Alben Barkley, of Kentucky. Senator Connally's proposal—his amendment in the nature of a complete substitute for the Smith-Connally bill—caused Senator Barkley, the majority leader of the Senate, to make the following comment:

> Before I do that, I wish to predicate by question upon the following observation:
>
> I think it is unfortunate that we are compelled under the circumstances to try to write a labor legislative policy on the floor of the Senate of the United States. However, that is what we are compelled to do under the circumstances. Evidently the Committee on the Judiciary—and I do not say this in criticism but merely as an observation of the fact—did not give thorough consideration to the bill; otherwise it would have changed it from its original terms which were drawn before we got into the war, before the War Labor Board was set up, and before any formula was adopted by the Government for the settlement of wage disputes. The bill was presented in its original form after the War Labor Board had been in existence for a year and after the Government had done all that it had done by the various Executive orders and by the interpretations of those Executive orders in the attempt to adjust labor disputes. The accuracy of the observation I have just made is confirmed by the fact that the Senator from Texas, the author of the bill, has undertaken to correct that situation by offering his substitute.
>
> All I have said emphasizes the unfortunate fact that we are trying to write a bill on the floor of the Senate.

The situation led some Senators to request that the bill be recommitted to the Judiciary Committee—an interesting bit of history. A motion was made on May 5, 1943, by Senator Wheeler to send the bill back to the Judiciary Committee with instructions to report it back to the Senate by May 20. This motion was defeated by 27 yeas to 52 nays.

If any Senators wish to take any consolation from the fact that the Senate would make a grievous mistake, as has been proposed by those who do not wish to send the bill back to the Judiciary Committee, I wish to point out that the same error was committed at the time of the Smith-Connally bill.

When the Supreme Court came to consider the application of the Norris-LaGuardia Act to disputes involving the Government, it relied in part on the House debates of 1932 wherein the Court thought Congressman LaGuardia, who was in charge of the bill, had indicated that the bill did not contemplate the Federal Government as being included in the term "employer." Interestingly enough, Justice Frankfurter in his own opinion, used the same statements of Congressman LaGuardia to come to the opposite conclusion.

That shows how unreliable are statements made on the floor of the Senate when it comes to subsequent interpretation by the courts, in the absence of a committee report on which to bottom any statements that Senators in charge of bills may wish to make during the course of the debate concerning intent.

But the majority opinion also said:

> But regardless of the determinative guidance so offered, defendants rely upon the opinions of several Senators uttered in May 1943, while debating the Senate version of the War Labor Disputes Act. * * * We have considered these opinions but cannot accept them as authoritative guidance to the construction of the Norris-LaGuardia Act. They were expressed by Senators, some of whom were not Members of the Senate in 1932 and none of whom was on the Senate Judiciary Committee which reported the bill. They were expressed 11 years after the act was passed and cannot be accorded even the same weight as if made by the same individuals in the course of the Norris-LaGuardia debates.

I have underlined the following sentence in my manuscript for emphasis:

> Moreover, these opinions were given by individuals striving to write legislation from the floor of the Senate and working without the benefit of hearings and committee reports on the issues crucial to us here. We fail to see how the remarks of these Senators in 1943 can serve to change the legislative intent of Congress expressed in 1932.

In other words, in the absence of hearings and a committee report, the Court would not accept the opinions of Senators as to whether and how the Norris-LaGuardia Act would be affected by the pending Connally bill.

In the end, the Court relied upon factors other than the unsupported opinions of Senators to find that the Norris-LaGuardia Act did not prevent an injunction from lying against a union when the United States was in command of the industry, and that the War Labor Disputes Act, which authorized seizure, had not changed the previously existing situation with respect to use of the injunction.

I call attention again to the words of the Court:

> Working without the benefit of hearings and committee reports on the issues crucial to us here.

Can Senators say with certainty how legislation already on the books is affected by the bill now under consideration? Can either the backers or opponents of title I, the voting section, say with certainty how the title affects or changes the statutes of 1957 and 1960? Is any section of those earlier laws repealed? How are they superseded by the present title I? Or is all the language of title I merely an addition to existing law?

One may look at the House report for the incorporation of the bill reported by the committee into existing law. But there is no such guide for the bill as it came to us from the House. And there is no commentary even in the House report on the ways in which the 1957 and 1960 statutes have been found wanting and in need of expansion. We may know for a fact that they are; but we also need to know in what particulars they need expansion.

Or one may look at the various titles that authorize the Attorney General to initiate suits. Titles II, III, and IV have such provisions. But only title II specifically mentions "preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order." Does the omission of these words from titles III and IV mean that the Attorney General may not seek preventive relief under them?

In its most recent cases, the Supreme Court has continued to rely primarily upon the committee reports and the supplementary statements of floor managers speaking for their committees.

In the case of *Schwegmann Bros.* v. *Calvert Corp.* (341 U.S. 284, 1951), the Court used both the committee report and the floor statements of the Senate sponsor of the measure, Senator Tydings, to determine the intent of the Miller-

Tydings Act. This legislation came to the floor in the form of a rider to a District of Columbia revenue bill. It was added by the Senate District Committee. Senator Tydings was committee spokesman on behalf of this particular amendment, as well as sponsor of the bill from which it was taken.

But in this particular case, Justice Frankfurter also quoted from both committee reports and the floor statements of Senator Tydings, and arrived at exactly the opposite conclusion as to intent.

Perhaps the most meaningful comment from the Court, insofar as Congress is concerned, was contained in a concurring opinion of Justice Jackson, joined in by Justice Minton. It is a rebuke to the Court for undertaking what these judges considered a fruitless inquiry into legislative history; but it was also a rebuke to Congress for what Justice Jackson called the "unedifying and unilluminating" legislative history of the Miller-Tydings Act.

In this case, too, the Senate was acting not as a result of a report and recommendation from the committee to which the original Tydings bill had been referred; it was working on a rider reported out of another committee. Since the Jackson opinion is a short one, I would like to read it in full:

I agree with the Court's judgment and with its opinion insofar as it rests upon the language of the Miller-Tydings Act. But it does not appear that there is either necessity or propriety in going back of it into legislative history.

Resort to legislative history is only justified where the face of the act is inescapably ambiguous, and then I think we should not go beyond committee reports, which presumably are well considered and carefully prepared. I cannot deny that I have sometimes offended against that rule. But to select casual statements from floor debates, not always distinguished for candor or accuracy, as a basis for making up our minds what law Congress intended to enact is to substitute ourselves for the Congress in one of its important functions. The rules of the House and Senate, with the sanction of the Constitution, require three readings of an act in each House before final enactment. That is intended, I take it, to make sure that each House knows what it is passing and passes what it wants, and that what is enacted was formally reduced to writing. It is the business of Congress to sum up its own debates in its legislation. Moreover, it is only the words of the bill that have Presidential approval, where that approval is given. It is not to be supposed that, in signing a bill, the President endorses the whole CONGRESSIONAL RECORD. For us to undertake to reconstruct an enactment from legislative history is merely to involve the Court in political controversies which are quite proper in the enactment of a bill but should have no place in its interpretation.

Moreover, there are practical reasons why we should accept whenever possible the meaning which an enactment reveals on its face. Laws are intended for all of our people to live by; and the people go to law offices to learn what their rights under those laws are. Here is a controversy which affects every little merchant in many States. Aside from a few offices in the larger cities, the materials of legislative history are not available to the lawyer who can afford neither the cost of acquisition, the cost of housing, or the cost of repeatedly examining the whole congressional history. Moreover, if he could, he would not know any way of anticipating what would impress enough members of the Court to be controlling. To accept legislative debates to modify statutory provisions is to make the law inaccessible to a large part of the country.

By and large, I think our function was well stated by Mr. Justice Holmes: "We do not inquire what the legislature meant; we ask only what the statute means." (Holmes, "Collected Legal Papers," 207. See also *Soon Hing* v. *Crowley* (113 U.S. 703, 710–711)). And I can think of no better example of legislative history that is unedifying and unilluminating than that of the act before us.

Another case when a floor manager for a bill on behalf of a committee was quoted was in *Mastro Plastics Corporation* v. *National Labor Relations Board* (350 U.S. 260, 1956). The Court said of the 1947 amendments to the National Labor Relations Act:

There is sufficient ambiguity here to permit consideration of relevant legislative history. While such history provides no conclusive action, it is consistent with the view taken by the Board and by the Courts of Appeals for the Second and Seventh Circuits.

Senator Ball, who was a manager for the 1947 amendments in the Senate and one of the conferees on the bill, stated that section 8(d) made mandatory what was already good practice and also aimed at preventing such interruptions of production as the "quickie strikes" occasionally used to gain economic advantage. * * * One minority report suggested a fear that section 8(d) would be applicable to unfair practice strikes. The suggestion, however, was not even made the subject of comment by the majority reports or in the debates. An unsuccessful minority cannot put words into the mouths of the majority and thus indirectly amend a bill.

As late as 1957, the Supreme Court again stressed its heavy reliance upon committee reports as the best source of congressional intent. When called upon to construe a certain portion of the Taft-Hartley Act in *United States* v. *United Auto Workers* (352 U.S. 567, 1957), the Court said, after citing the committee reports:

Although not entitled to the same weight as these carefully considered committee reports, the Senate debate preceding the passage of the Taft-Hartley Act confirms what these reports demonstrate.

In *Cole* v. *Young* (351 U.S. 536, 1956) the Court was concerned with legislation relating to the loyalty of Federal employees. In construing the history of the act of 1950, it relied entirely upon the reports of the House and Senate, plus one quotation of a Government witness taken from the hearings.

This is by no means an exhaustive recital of Supreme Court comments on this subject of legislative history and how it may be determined by the courts. But since the Supreme Court first undertook to examine legislative history to determine the intent of Congress, it has consistently looked first and foremost to the reports of the House and Senate committees as the one authoritative source of that intent.

I do not suggest that either the Senate or the courts will be helpless if we proceed to deal with H.R. 7152 on the Senate floor without benefit of hearings and report. But I do say we will be severely handicapped, and so will the courts.

In my judgment, there is no sound reason whatever for us to proceed under that handicap. If there were no way whatever to obtain hearings and a report on H.R. 7152 from the Judiciary Committee, we would have no alternative but to bypass the committee. But there is an alternative.

It was used only a few weeks ago, when the amendment offered by Senator MUNDT to the foreign aid bill, and which dealt with the wheat sale to Russia, was sent to the Banking and Currency Committee. It was withdrawn as an amendment, introduced as a separate bill, and referred to the Banking Committee. In the referral process, the majority leader obtained a unanimous-consent agreement that the committee be instructed to report the bill back to the Senate by November 25. That was done on November 15; as the majority leader put it:

A bill has been introduced and referred to the Committee on Banking and Currency. By direction of the Senate, it will be reported no later than a week from Monday, November 25.

Of course, that was done by unanimous consent. But it could be done by motion, too, as I am proposing to do today with respect to the pending bill.

If those of us who are backing this civil rights bill have the votes to bypass the Judiciary Committee, we also have the votes to instruct the Judiciary Committee.

We had no problem with the wheat deal measure. It was back on the floor on the appointed day. In all the history of the Senate, so the Parliamentarian informs me, no committee has ever violated or failed to obey the instructions given it by the whole Senate.

I see no reason at all why we should vary from that wise and sound procedure. Senators may say: "But civil rights are a lot more important than the wheat deal." My answer is: "All the more reason why we should avail ourselves of the best we have in providing guidelines to Members who must pass upon this highly important matter, and to the courts who must apply it."

Do not forget, either, the importance of following a fair procedure insofar as attitudes toward the bill itself are concerned. When the time comes to try to close this debate under rule 22, we will need two-thirds of the Senators to close it. So long as Senators have any reason to feel that a fair procedure was not followed, there will be those who will vote against cloture on that ground alone, or on that excuse alone.

Why give them that alibi? Why give them the chance to say that this bill was brought up under steamroller tactics and did not receive a fair hearing before it was brought to the floor? Why give them a chance to vote against cloture on the ground that the only chance opponents had to make their case and bring out what facts they had to bring out was on the floor of the Senate itself? Any time this body ignores a normal and traditional procedure in favor of one that bypasses a major part of the Senate's

regular means of considering legislation, a presumption is at once created in favor of extended floor debate in compensation for the lack of committee consideration.

I think it is most regrettable that the Senate did not uphold the Russell point of order of February 26, and then send this bill to committee with instructions. The unanimous-consent agreement requested by the majority leader the next day would have brought a report back by March 4. Objection was lodged to that request by supporters of the bill. Yet it was long after March 4 had come and gone before we disposed of other legislation and got back to H.R. 7152. It took until March 9 to come back to H.R. 7152. We could have had a report before us right now. So the facts do not bear out that referral to committee then would have delayed consideration of the bill. And before we are through, we are going to find that referral now will expedite it.

In 1957 we bypassed the Judiciary Committee. The debate droned on for weeks. It became evident that there was not a two-thirds majority in the Senate to impose cloture.

The result was that the major sections of the bill had to be dropped as the price for allowing it to go to a vote. We never did get cloture. The bill only came to a vote when it had been rendered innocuous.

It was rendered so innocuous, in my opinion, that I voted against the bill.

A vote against the bill was misunderstood by many throughout the country, as my mail has shown, because most people thought it was a civil rights bill before the Senate and that a pro-civil-righter would vote for any civil rights bill. I never vote for what I consider to be a deception. I considered the 1957 bill a gross deception. It misled pro-civil-righters in the country to believe we would help along the cause of civil rights by passing the bill. I held to the point of view that we set it back. We did not help it. So I voted against the bill.

In 1960, we started out the same way. We dealt only with amendments to a private bill. My effort to discharge the committees of civil rights legislation failed.

That debate staggered along from February 15 to March 24. A lot of amendments were offered and some were voted on. An effort to invoke cloture did not even get a majority vote. We did not get down to business until a voting rights bill came over from the House. When it did, the majority leader moved to send it to the Judiciary Committee for 5 calendar days.

The motion was overwhelmingly agreed to; the committee did report the bill back as directed. It will be recalled that by that time the heat had largely gone out of the struggle. It was evident that sufficient support was lacking for cloture on the Dirksen floor amendment. Thereafter, the principal objective was one of accepting the House bill without substantial change; that is, with only those amendments likely to be accepted by the House.

The House bill was a weak bill when it came to the Senate. It was a weak bill when it left the Senate. The most that can be said for it, is that it was passed with reasonable expedition once it came out of committee. The weeks of floundering on the floor with the Dirksen amendment may well have set the stage for the consensus that resulted in the modest and weak measure that finally passed both the House and the Senate.

If this motion is passed, part of the time between now and April 8 will be accounted for by the Easter recess. We are not going to be in session Friday or Saturday, in any event, so the practical effect of the resolution will be to put the bill over for a little more than a week.

In other words, the 10 days I have referred to would begin to run after the Easter recess. I do not expect, if my motion is agreed to, that the Judiciary Committee will meet on Friday and Saturday. They are entitled to the Easter recess. The Easter recess, which carries great import to many Senators from a religious standpoint, should not be interrupted.

I wish to make clear to the Senate that it is not intended by the mover of this motion that the Judiciary Committee should go into session Friday and Saturday; but it should go into session early Monday morning, and it should stay in session until it can have a fair and reasonable hearing of a selected cross section of witnesses. By that I mean witnesses who represent a fair cross section of all points of view. The majority of the committee, as I shall point out in a moment, should start its work on drafting a committee report, so that it can be ready on April 8.

I ask the supporters of this bill whether they think the result looks any different this time from the time it took in the past when successful attempts were made to bypass the Judiciary Committee.

If we do not have enough support for cloture, this bill will not come to a vote until its most important and effective sections have been dropped.

It is time we devised a civil rights strategy that will gain us the two-thirds needed for cloture. If we do not, we will only be going through the 1957 and 1960 experience again.

We all know that cloture is not so difficult to obtain on other issues. It need not be impossible to obtain it on civil rights. We never have really taken the pains to plan our strategy with a view to obtaining cloture. It has only been our plan to get a civil rights bill to the floor in any way possible, and then take our chances.

That makeshift did not serve us well in 1957 or 1960. Why hasten to use it again? It is time for a meaningful civil rights bill, not just another oratorical exercise. But we will not get a meaningful bill until we can get cloture, and I am doubtful that we can get it so long as we follow the procedure of bypassing the Judiciary Committee. I have no way of knowing whether going through the normal procedure would prove more fruitful in obtaining cloture. But we have not come close to obtaining it in any other way. We shall never find out until we try.

Mr. President, there has been some suggestion that sending the bill to committee would be a waste of time, because the committee will not conduct good faith hearings, that a witness will be put on the stand and will be examined by a member of the committee at great length, hour in and hour out, and there will be a hassle in the committee in regard to the committee report.

MAJORITY CAN DETERMINE COMMITTEE POLICY

Mr. President, I speak respectfully, and I speak out of great esteem for each member of the Judiciary Committee. It is composed of great Senators. Listen to the roster:

The Democrats are Senators EASTLAND, JOHNSTON, MCCLELLAN, ERVIN, DODD, HART, LONG of Missouri, KENNEDY, BAYH, and BURDICK.

The Republicans are Senators DIRKSEN, HRUSKA, KEATING, FONG, and SCOTT.

That is a powerhouse committee. If we wish to evaluate it from the standpoint of ability and great prestige in the Senate and from the standpoint of learning—I do not care what criteria are used—that is a great committee.

It might be asked if there is any basis—which I refuse to accept—for the talk in the cloakroom that it is a helpless committee. It is said "You do not understand that committee. You do not understand the inner workings of that committee. You do not understand what we are up against. You have no conception of how hopeless it is."

I say good naturedly that they are not mice; they are Senators.

The time has come for the Senate to call upon them to function as Senators.

It is unthinkable that such a powerhouse would be stopped or incapacitated, legislatively speaking.

I will not accept the tommyrot that a minority or any individual on the committee could prevent it from functioning as a committee.

I will not accept such an argument. If that be true, the greatest revolution that is needed in the Senate is needed in the Judiciary Committee. The members ought to stand up and declare their independent. There is nothing in the world can stop a majority of those great Senators. They know their procedural rights. They are learned in the law. They are learned in procedure. They know that it is tommyrot to think that a chairman of a committee could prevent the committee from functioning. I mean no offense by intention or in fact when I say that. It is said that the Senator from Mississippi [Mr. EASTLAND], the chairman of the committee, will not let certain things happen. Mr. President, he is not the committee; he is only one member of it. He is not the Senate; he is only one Member of it. He could not possibly produce the results it is said he would produce. The members of that committee would not allow it to happen.

I should like to see the chairman of the Committee on Labor and Public Welfare try to exercise any one-man power. I should like to see the chairman of the Foreign Relations Committee try to exercise any one-man power. I am speaking hypothetically now about the Judiciary

Committee because I do not accept the major premise.

The power rests in each committee to function. A majority of the Judiciary Committee are brilliant lawyers. They ought to control the Judiciary Committee by majority rule, and they ought to give us a report. I plead for a report. I beg for a report. A majority of the committee is on record in support of a strong civil rights bill; at least 9 out of 15. Does anyone mean to tell me that 9 Senators who are assigned to a committee, cannot give the Senate a report by April 8, with all the power legislatively and parliamentarily that attaches to the position of Senator?

Of course they can. I plead for it. I beg for it. I urge support for my motion. That is my case.

I plead with the Senate to handle this bill in a way that will afford the best prospect of enactment of a strong measure. That means having a committee report and hearings for our use and reference.

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

Mr. MORSE. I am ready to yield the floor, but I am glad to yield to the Senator from South Carolina.

## DEATH OF JAMES A. CAMPBELL, FORMER PRESIDENT OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. JOHNSTON. Mr. President, I am deeply saddened by the death of my close friend of many years, Mr. James A. Campbell, former president of the American Federation of Government Employees.

Jim Campbell will be sorely missed by those who knew him personally as a man of warmth, intelligence, and integrity. Further, his loss will be felt by Federal employees everywhere, in whose behalf he labored long and effectively for a great part of his career.

As chairman of the Committee on Post Office and Civil Service and as a member of that committee, I came to know Jim Campbell as one of this Nation's most effective spokesmen for Federal employees' rights. Much of the beneficial civil service legislation now on the statute books was proposed and advocated by this forward-looking union leader. He will be remembered as a man who always advanced his cause with fairness, forcefulness, and a thorough knowledge of the problems of both the employee and Federal management.

Under his leadership, the AFGE grew in prestige, authority, membership, and financial resources. During his career, when forward studies were made by Federal employee groups, we always found Jim Campbell in the forefront. I deeply regret his loss. He will be missed particularly by those of us who shared many of his ideals and his concept that the Federal Government should grow to be an employer second to none.

To Mrs. Campbell and her two sons, I extend my sincerest condolences in their loss.

Mr. MORSE. Mr. President, I owe an apology to the Senator from Missouri [Mr. SYMINGTON]. Earlier I agreed to yield to him. I yielded to several other Senators first, and when I turned to yield to him, he had left the Chamber. I should have yielded to him in preference to other Senators, because he had asked me first.

Mr. SYMINGTON. That is perfectly all right. Secretary McNamara was in the Committee on Foreign Relations, to speak to us on South Vietnam. I left the floor for that reason; otherwise, I would have been present.

Mr. MORSE. I yield to the Senator from Missouri.

## GOVERNMENT CREDIT BEING USED TO ADD TO OUR DEFICITS

Mr. SYMINGTON. Mr. President, last week the Inter-American Development Bank floated a $50 million bond issue in this country.

In view of the continued payments deficit, it is paradoxical that the U.S. Government's credit is being used to add to our deficits.

At the time the Inter-American Development Bank's increased capitalization was approved on January 14, there was talk that the Bank might try to sell its bonds in Europe or even in Latin America, but apparently the Bank was already prepared to issue dollar bonds in this country even before they allowed themselves time to explore alternative sources of capital.

I ask unanimous consent that two articles which appeared yesterday morning, "Drain on Dollars Still a Problem," in the New York Times, and "U.S. Payments Deficit Improved Less in 1963 Than Thought; Some Aid Was Temporary," in the Wall Street Journal, be inserted at this point in the RECORD.

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

[From the New York (N.Y.) Times, Mar. 25, 1964]

DRAIN ON DOLLARS STILL A PROBLEM—REIERSON FINDS NO REASON TO SAY IT IS DISAPPEARING

Roy L. Reierson, chief economist of the Bankers Trust Co., surveyed the U.S. international payments problem yesterday and found no reason to conclude it is disappearing.

His assessment was decidedly more cautious than other recent comment on the prospects for reducing the country's net outflow of dollars. The volume of the drain has been shrinking steadily since mid-1963, giving rise to renewed optimism about approaching equilibrium and strengthening the dollar's international position.

"The sentiment goes from one extreme to the other," Dr. Reierson commended in a talk to New York University's Men in Finance Club, which met for luncheon at the Lawyers' Club.

"NOT GLOOMY," HE SAYS

Dr. Reierson did not categorize his own sentiment other than to say he was "not gloomy." The tone of his talk was admonitory: Present policies and conditions do not point to early elimination of the payments deficit and it would be premature to believe the problem is about to be solved, he suggested.

Referring to a recommendation last week by the Joint Economic Committee of Congress for repeal of the so-called gold cover, Dr. Reierson asserted that the timing of the proposal was "ill considered and ill advised." He reiterated his own view that the gold cover should be terminated, but not while the United States still has a substantial dollar drain.

The cover is the requirement that the Federal Reserve hold gold equal to at least 25 percent of outstanding Federal Reserve currency and deposits. At present, the cover ties up about $12.5 billion of the Government's $15.5 billion of gold.

Dr. Reierson, a highly regarded economist in financial circles, expressed a view that the tax cut just passed would be "detrimental to the balance of payments." He indicated he thought such an effect could be averted by tighter credit but that he did not expect such a policy to materialize.

DISCOUNT RATE RISE SEEN

In response to a question, Dr. Reierson said he thought an increase in the Federal Reserve rate was likely by the yearend.

An expanding economy, he said, means higher imports. Yet, he said, there is no strong upward trend in exports and hence "no evidence the United States is building up its trade surplus enough to carry capital outflows and military and foreign aid."

Long-term portfolio investment abroad is bound to rise after enactment of the pending interest equalization tax, he said. Efforts to tap Europe's capital markets have had limited success, he added.

If the Government persists in "overemphasis on easy credit," Dr. Reierson continued, a shrinkage in capital outflows would be likely.

He said there was no sign that Europe's inflationary trend was helping exports of American manufactures. These exports may be hurt by anti-inflation measures in Europe, he said.

[From the Wall Street Journal, Mar. 25, 1964]

U.S. PAYMENTS DEFICIT IMPROVED LESS IN 1963 THAN THOUGHT; SOME AID WAS TEMPORARY

WASHINGTON.—The U.S. balance-of-payments deficit didn't improve as much last year as was thought, and some of the improvement was only temporary.

The deficit is currently calculated at $3,301 million for last year, nearly 10 percent larger than the previous estimate of $3,020 million. The 1963 deficit is still narrower than the $3,573 million of 1962 but is newly placed somewhat wider than the $3,043 million deficit of 1961.

A payments deficit results when dollars acquired by foreigners through U.S. spending, lending, and aid exceed the inflow of dollars here from abroad. The administration has been striving to end the persistent U.S. deficit, which gives foreigners mounting claims on the dwindling gold stock.

Not since 1957, when the Suez Canal closing resulted in an export spurt, has the United States shown a surplus ($520 million that year) in its international accounts.

NEW DATA STRETCHED DEFICIT

The revision in the 1963 deficit results from recent information to the Commerce Department showing that foreigners piled up about $100 million more in U.S. bank accounts than had been calculated; also, shipments of military goods to foreigners, which count as exports, were about $150 million less than initially reported.

And the Government agency, in a payments report, noted that part of the improvement recorded last year reflects "developments which have had only temporary significance" as well as some basic economic gains.

Exports of farm products, for instance, were exceptionally high due to such strictly temporary factors as bad weather and poor crops in Europe, the report said; such conditions boosted farm exports by up to

$150 million, mostly in the final quarter. Lower import barriers helped coal exports gain nearly $150 million, the report said, but the rise was accentuated by weather conditions and interruptions in coal production in Europe last spring.

Temporary factors also appear to have pushed up fourth-quarter bank loans and direct investment abroad, which count as outflows. But temporary help came from an unusual inflow of funds from Canadian banks.

Even with the temporary help, however, the revised data put the 1963 fourth-quarter gap at $527 million, or a seasonally adjusted annual rate of $2,108 million. Previously the final-quarter deficit had been estimated at $377 million, or a $1,508 million annual rate. While advance estimates are even more subject to error than reports soon after a period ends, so far this year no marked change in trend from the fourth quarter appears to be developing, authorities say.

The fourth-quarter annual rate in the payments deficit, even after being revised upward, is still much less severe than the revised $5,228 million annual rate of last year's April–June quarter. Sharply higher outflows of private U.S. capital then prompted the late President Kennedy to propose an "interest equalization tax" on sales of foreign securities here, intending to discourage foreigners long-term portfolio borrowing by adding 1 percentage point to their effective interest costs. Other efforts to trim the dollar outflow by reducing military spending abroad and tying more foreign aid to purchases here also were accelerated. The tax, which would be retroactive to last July 19, has passed the House, but Senate action probably will have to wait until after the civil rights fight.

PRIVATE CAPITAL OUTFLOW DOUBLED

The new figures show that the total net outflow of private capital in the final 1963 quarter rose to about $945 million—about double the total of the previous period, though well short of the total in the April–June quarter. The $945 million consisted of:

Two hundred and fifteen million dollars in long-term portfolio investment such as American citizen purchases of foreign bonds and stocks, the area that is the target of the proposed tax.

One hundred and twenty-nine million dollars in short-term capital movement, compared with a small net inflow in the previous quarter when interest rates here were raised.

Six hundred and one million dollars in direct investment, including acquisitons of foreign companies and construction of oversea factories and oil refineries by U.S. concerns.

## CIVIL RIGHTS ACT OF 1963

The Senate resumed 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.

Mr. STENNIS. Mr. President, I commend the Senator from Oregon for the very fine and unanswerable argument he has made in behalf of parliamentary procedure and regular standards and safeguards which we ordinarily apply to important legislation.

Mr. MORSE. I thank the Senator.

Mr. STENNIS. In the course of the debate I have referred to the points that have been fully expressed in the Senator's address on this important subject. I hope the arguments in favor of the usual procedure will touch the conscience of every Member of this body.

I believe he has had influence, not only in that speech, but in other remarks and contacts which he has made. I hope that this motion will be fully discussed. I have already discussed it, as I have said, in the appearances that I have made. I should like to hear a response from every Senator to the challenge of the senior Senator from Oregon.

I ask unanimous consent to have printed at this point in the RECORD a report on the television debate recently held between the Senator from South Carolina [Mr. THURMOND] and the Senator from Minnesota [Mr. HUMPHREY] with reference to the pending matter, and also an editorial published in the Atlanta Journal and Constitution of March 22, 1964, concerning the same debate.

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

ANNOUNCER. "CBS Reports" continues. Here again is Eric Sevareid.

Mr. SEVAREID. For 9 days the U.S. Senate has been debating a motion to take up the civil rights bill and a vote to do that could come at anytime. When it does, debate on the merits of the bill developing into a filibuster will begin. Now, Senate rules allow a Senator to talk as long as he wants to, or he's able to, on any question at issue. And when several Senators try to talk a bill to death the resulting filibuster can go on for days, weeks, or even months. For decades Southerners have used the filibuster successfully to defeat or at least to water down civil rights bills. Tonight 19 Southern Senators are ready to try that again. One of them is Senator STROM THURMOND, of South Carolina. Leading the opposition to them is Senator HUBERT H. HUMPHREY, of Minnesota. Now these two men have been on opposite sides of this civil rights question at least since the Democratic presidential convention in Philadelphia in 1948. HUBERT HUMPHREY was a delegate then—he was also mayor of Minneapolis—and he led a floor fight for a very strong civil rights plank in that Democratic platform. That fight was won, and a good many Southern delegates walked out of the convention to form the States Rights Party. And STROM THURMOND, then the Governor of South Carolina, became their presidential candidate. So, in a way this live debate we are having is a continuation of one that began 16 years ago. It's also a prelude, in a way, to the one about to begin in the Senate. Right now each of the two Senators with me will have about 3 minutes for an opening statement in this short debate. Senator HUMPHREY drew the longest straw. Would you begin?

Senator HUMPHREY. Well, thank you very much. Mr. Sevareid, and my colleague Senator THURMOND. I believe that what we've seen and heard tonight is a challenge to the conscience of this Nation. We simply have to face up to this question: Are we as a Nation now ready to guarantee equal protection of the laws, as declared in our Constitution, to every American regardless of his race, his color or his creed? The time has arrived for this Nation to create a framework of law in which we can resolve our problems honorably and peacefully. Each American knows that the promises of freedom and equal treatment found in the Constitution and the laws of this country are not being fulfilled for millions of our Negro citizens and for some other minority groups. Deep in our heart we know—we know that such denials of civil rights, which we have heard about and which we've witnessed are still taking place today—and we know that as long as freedom and equality is denied to anyone, it, in a sense, weakens all of us. There is indisputable evidence that fellow Americans who happen to be Negro have been denied the right to vote in a flagrant fashion. And we know that fellow Americans who happen to be Negro have been denied equal access to places of public accommodation—denied in their travels the chance for a place to rest, and to eat, and to relax. We know that one decade after the Supreme Court's decision declaring school segregation to be unconstitutional that less than 2 percent of the southern school districts are desegregated. And we know that Negroes do not enjoy equal employment opportunities. Frequently, they are the last to be hired and the first to be fired. Now, the time has come for us to correct these evils—and the civil rights bill before the Senate is designed for that purpose. It is moderate—it is reasonable—it is well designed. It was passed by the House 290 to 130. It is bipartisan. And I think it will help give us the means to secure, for example, the right to vote for all of our people—and it will give us the means to make possible the admittance to schoolrooms of children regardless of their race. And it will make sure that no American will have to suffer the indignity of being refused service at a public place. This passage of the civil rights issue or bill to me is one of the great moral challenges of our time. This is not a partisan issue. This is not a sectional issue. This is in essence a national issue, and it is a moral issue, and it must be won by the American people.

Mr. SEVAREID. Senator HUMPHREY that takes your 3 minutes, I think. And now, Senator THURMOND, 3 minutes for you.

Senator THURMOND. Mr. Sevareid, and my colleague Senator HUMPHREY. This bill, in order to bestow preferential rights on a favored few who vote en bloc, would sacrifice the constitutional rights of every citizen and would concentrate in the National Government arbitrary powers, unchained by laws, to suppress the liberty of all. This bill makes a shambles of constitutional guarantees and the Bill of Rights. It permits a man to be jailed and fined without a jury trial. It empowers the National Government to tell each citizen who must be allowed to enter upon and use his property without any compensation or due process of law as guaranteed by the Constitution. This bill would take away the rights of individuals and give to government the power to decide who is to be hired, fired and promoted in private businesses. This bill would take away the right of individuals and give to government the power to abolish the seniority rule in labor unions and apprenticeship programs. This bill would abandon the principle of a government of laws in favor of a government of men. It would give the power in government to government bureaucrats to decide what is discrimination. This bill would open wide the door for political favoritism with Federal funds. It would vest the power in various bureaucrats to give or withhold grants, loans and contracts on the basis of who, in the bureaucrat's discretion, is guilty of the undefined crime of discrimination. It is because of these and other radical departures from our constitutional system that the attempt is being made to railroad this bill through Congress without following normal procedures. It was only after lawless riots and demonstrations sprang up all

over the country that the administration, after 2 years in office, sent this bill to Congress, where it has been made even worse. This bill is intended to increase—to appease those waging a vicious campaign of civil disobedience. The leaders of the demonstrations have already stated that passage of the bill will not stop the mobs. Submitting to intimidation will only encourage further mob violence and to gain preferential treatment. The issue is whether the Senate will pay the high cost of sacrificing a precious portion of each and every individual's constitutional rights in a vain effort to satisfy the demands of the mob. The choice is between law and anarchy. What shall rule these United States, the Constitution or the mob?

Mr. SEVAREID. Senator THURMOND, thank you very much. Well, gentlemen, it seems rather clear, from these two statements at least, that the room for agreement is going to be a little cramped. From here on in this brief debate we'll let this be free-swinging. You can interrupt one another at will, though I hope each of you allows the other to finish whatever sentence he's engaged upon. But we'll get to that part of the debate right after this message.

(Announcement.)

Mr. SEVAREID. Gentlemen, this is now open debate. Let's start with the public accommodation section of this civil rights bill. Now this section, if passed, would forbid racial discrimination in hotels and motels, restaurants, theaters and similar places all over the country. Senator HUMPHREY, would you start?

Senator HUMPHREY. Well, yes, Mr. Sevareid. What title 2 does—and that's the title to which you referred—the public accommodation's title—is to declare as a national policy what already exists in 32 States as State policy. I would repeat that 32 of the States of the Union already have what we call strong and effective public accommodations laws that forbid racial discrimination in public places. Now title 2 of this bill has but one purpose, and that's to guarantee to every American citizen, regardless of his place of residence or his race, equal access to public places. And this is as old as common law itself—since the time of Chaucer, as a matter of fact. I don't think it's really unusual that the Government of the United States should want to have the 14th amendment, which insists that no State may deny any citizen of the United States equal protection of the laws or life, liberty or property without due process of law—I don't think it's unusual that this should be now effectuated by a public policy in statute.

Senator THURMOND. This title is entirely a misnomer. It's not public accommodations, it's invasion of private property. This will lead to integration of private life. The Constitution says that a man shall not be deprived of life, liberty or property. We should observe the Constitution. A man has a right to have his property protected. A similar bill to this—almost word for word—was passed by Congress in 1875 and was declared unconstitutional by the U.S. Supreme Court in 1883. The Howard Johnson case from Virginia is a case in which a man wanted to be served. Howard Johnson refused to serve him, and he went into court. But the court held that a man did not have to serve anybody on his own private property that he did not wish to. Now that was only in 1959. Why do we want to push an unconstitutional piece of legislation—one that has already been held unconstitutional by the Supreme Court? And especially since it denies people the right of trial by jury. Title 1, title 2, title 3, title 4, and title 7 have provisions that deny people the right of trial by jury.

Senator HUMPHREY. Well now, may I say to my friend, the Senator from South Carolina, that title 2—No. 1, relies for its enforcement upon the courts of the United States. Title 2 is related to the citizens of the United States, and title 2 merely says that a man, because of his race, shall not be denied access to a public place where there is—advertisements for the public to come in and do business—and it limits it to hotels, to motels, to filling stations and to places of—restaurants or eating places. And why? Because these are the facilities that are necessary in a sense for life itself and for interstate travel.

I've often wondered, Senator, why it is that we're so anxious to keep good American citizens, who pay thier taxes, who defend their country, who can be good neighbors, out of a place like a restaurant, and yet we will permit people who may be very unsavory characters—people that have a little or no good reputation—people who come from a foreign country—to come into the same place? It seems to me that what you've had here is an invasion of property rights by enforced segregation. Let me give you an example. In the city of Birmingham, Ala., up to 1963, there was an ordinance that said that if you were going to have a restaurant and you were going to permit a Negro to come in, you had to have a 7-foot wall, down the middle of the restaurant, dividing the white from the colored. Now, how foolish this is, and isn't that an invasion of private property?

Senator THURMOND. Senator, we live in a country of freedom—and under our Constitution a man has a right to use his own private property as he sees fit. The mayor of Salisbury, Md., said that if they had had a law on the books, as we're trying to pass here now, they would not have been able to have desegregated their business. Now, he says they were able to get the business people to do it voluntarily. You can't do some things by law. Some things have got to come in the hearts and minds of people. And we mustn't think that we can regiment and control and regulate the lives of people. After all we have a Constitution that guarantees freedom, and we must observe that Constitution, and we don't want to require people to live in involuntary servitude. And I think it is involuntary servitude for a woman of one race to have to give a massage to a woman of another race if she doesn't want to do it.

Senator HUMPHREY. That is not provided for in this bill, may I say most respectfully. And I want to say to the good Senator from South Carolina——

Senator THURMOND. Oh, it's provided for.

Senator HUMPHREY. I want to say to the Senator from South Carolina that all that title 2 does is to say that you shall not deny a person access to a public place like a hotel because of race.

Senator THURMOND. Suppose there's a barbershop or a beauty shop in the hotel?

Senator HUMPHREY. Ah, then it might—then it is——

Senator THURMOND. Suppose——

Senator HUMPHREY. If it is in a hotel, which is an interstate facility that accommodates transients——

Senator THURMOND. Exactly.

Senator HUMPHREY. Now, why not?

Senator THURMOND. And any store and any place is covered too, also. And so if a lady ran a massage place in a hotel, and a woman of one race went there and wanted a massage——

Senator HUMPHREY. Right.

Senator THURMOND. By a woman of another race, she'd have to give it to her whether she wanted to or not. Isn't that involuntary servitude?

Senator HUMPHREY. Well, may I say——

Senator THURMOND. Isn't she being forced to do what she doesn't want to do?

Senator HUMPHREY. May I say, my friend, most respectfully, that many people that have private property do not have full rights to do what they want to do. If you operate, for example, a bar, you don't have the right to have juveniles in it. If you operate a restaurant, you don't have a right to have unsanitary conditions. There are rules of public regulation, and I would add this: How is it that this Nation can call upon our colored people, for example, to help win us the Olympic contests, to help win our wars, to pay taxes, to do everything that a citizen of this country is required to do, but when he wants to come to a hotel and have a night's rest he's told that he can't come because he's colored.

Mr. SEVAREID. Senator, I'm going to have to break off this part of it here, much as I hate to. We would like to have a minute or two here, and it will be abbreviated, on this section of the bill that deals with equal employment opportunities. That's a very widely disputed matter. It makes racial discrimination by employers and unions unlawful. Senator THURMOND, would you start on that? I'm going to have to keep this section of the debate——

Senator THURMOND. I know of no more eloquent and convincing argument in opposition to FEPC than a statement by President Johnson on the Senate floor on March 9, 1949. These are President Johnson's words: "This to me is the least meritorious proposal in the whole civil rights program. To my way of thinking, it is this simple. If the Federal Government can, by law, tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me. It might even tell him how long and how hard he would have to work. As I see it, such a law would do nothing more than enslave a minority. Such a law would necessitate a system of Federal police officers such as we have never before seen. It will require the policing of every business institution, every transaction made between an employer and employee and virtually every (indistinct) employers and employees association while it worked. I can only hope sincerely that the Senate will never be called upon to entertain seriously any such proposal again." Those are the words of President Johnson only a few years ago.

Senator HUMPHREY. Now, Senator, may I say that one of the real qualities of greatness of President Johnson is that he learns and that he is able to understand the developments in our country in terms of the changes that have taken place in our society, and isn't it interesting that President Johnson, as Vice President of the United States, was Chairman of the President's Committee on Equal Employment Opportunities and the proudest moment in his life has been when he has assured equal employment opportunities regardless of race, to thousands, yea millions of workers that work in industries where the U.S. Government does business.

Now, what does title 7 do in this bill? It does but one thing. It merely states that race shall not be a barrier to fair treatment and employment. It does not put any enforcement power in any commission. Enforcement is left to the courts of the United States. The only thing that a commission can do is to investigate and then if there is a valid case to bring it to the courts; and finally, 25 States in this Union, Senator have their Employment Practices Commissions and in those States, you have the highest rate of employment. You have the highest per capita income, you have the highest—the best economy and the most expanding economy. I think it's a pretty good proposition.

Senator THURMOND. We must remember that this bill creates no jobs, so therefore, whose jobs are these Negroes, the minority, going to take? Other Negroes' jobs, or white people's jobs? Now, I want to say that this bill tells a man whom he can hire, whom he can fire, whom he can promote, whom he can

demote. And we must remember that the Commission decides what is discrimination and if the Commission sees fit to define discrimination in such a way that there is a racial balance, then they would destroy seniority rights in unions and in other ways——

Senator HUMPHREY. Senator——

Senator THURMOND. If they will try to bring about a racial balance, as they are doing in New York schools. The people in New York don't like it. I don't believe the American people are going to want people to tell them whom they have to fire and whom they have to promote——

Senator HUMPHREY. Senator, this bill prohibits that very thing that you're talking about. Express language prohibiting any action by the Government for so-called racial balance. This bill——

Senator THURMOND. Oh, no; that's the section on education——

Senator HUMPHREY. This bill does not permit any Fair Employment Practice Commission to interfere with seniority, with the right of any employer to employ. What it does prohibit is that a man shall not be denied a job because of his color, his race, or his national origin. And I don't believe that any self-respecting American can say that he believes a man ought to be denied a job because of his color, or his race, or his religion. I would add further——

Senator THURMOND. What the Senator is referring to, I am sure, is section—is the section on education about the racial balance. There's nothing in this section, I am sure the Senator will find if he reads it carefully, along the lines about which he just spoke——

Senator HUMPHREY. And there is nothing in this section that calls for racial balance, as the Senator spoke of.

Senator THURMOND. But the Commission defines what is discrimination and if the Commission says that there is discrimination, unless you have racial balance, then you have it. The Commission makes that definition.

Senator HUMPHREY. Senator——

Senator THURMOND. And then, of course, you can appeal to the court but unless the court finds that the Commission is capricious, or arbitrary, very probably they will uphold the Commission.

Senator HUMPHREY. I'm glad the Senator used the word "probably," because the Senator knows that the provisions of the statute do not say that, that what the provision of the statute says is that the Commission shall investigate as to whether there is discrimination. If there is reasonable evidence that there is discrimination, then the case is referred to a Federal court for adjudication.

Senator THURMOND. They have to define the word "discrimination."

(Two voices at once.)

Mr. SEVAREID. Gentlemen——

Senator THURMOND. I'm sure you've read it. The word "discrimination" is not defined at all. It's left to each agency of the Government to define discrimination itself.

Mr. SEVAREID. Senator——

Senator THURMOND. We can imagine what these bureaucrats will do.

Mr. SEVAREID. Senator, may I interrupt, because I would like, before we finish this all-too-brief debate, to get to another very controversial part of that bill, and that's the section that permits the cutting off of Federal funds from State programs administered in a discriminatory way. Senator HUMPHREY, would you start that?

Senator HUMPHREY. Well, yes, I have here the copy of the bill and here's what we're talking about. Here's what is said in the bill. "Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Now, that's rather plain. What it merely says is that public moneys out of the Federal Treasury will not be used to promote discrimination, to insure discrimination, or to carry on any discriminatory act, and I don't understand how we can ask people to pay taxes, regardless of their race or color and then deny them the benefits of the payments of those taxes when those moneys are given back to the respective States and what this provision does is simply to say that there can be no discrimination provided for by the use of—through the use of Federal funds, and then there are a number of legal protections to see to it that if such an order is made that the President of the United States must personally sign that order. There must be voluntary compliance to the degree that it's possible to obtain it, and before any such order can go into effect, the Congress must be notified 30 days in advance and then there's Federal review.

Senator THURMOND. This is—this is one of the most despicable provisions in the entire bill. Let me tell you what President Kennedy said about this provision. The late President Kennedy, in his news conference on April 24, 1963, rejected the proposal of this Civil Rights Commission for funds-withholding with these words, and these are his words, "I said that I didn't have the power to do so, and I'm not. I don't think a President should be given that power, because it could be used in other ways differently." Those are the words of President Kennedy. Why, this—this provision attempts to amend more than a hundred laws on the books. It would give unprecedented power. It would give multibillion-dollar blackjacks against the people. If this is passed, you don't need the rest of the bill, not at all. This provision affects farmers, hospitals, schools, local government loans, social security, veterans, banks, all Government contractors, welfare and wherever the Federal dollar comes from, and that's just about everywhere. And now it says, "any recipient"—it refers to any recipient. That means an individual, or it means a State or a political subdivision of the State as explained in the bill. Now——

Senator HUMPHREY. Will the Senator yield at that point?

Mr. SEVAREID. One more minute on this, Senator HUMPHREY?

Senator HUMPHREY. Yes, I would just simply say that the Senator from South Carolina regrettably did not read all of President Kennedy's statement, which I read in the Senate here only 3 days ago or 4 days ago. The President went on to say that he was opposed to a program that cut off all assistance for an entire State, and he made it crystal clear, and what the Senator read is that part of it. Then he went on to say, however, that he didn't have the power and it was public policy that where there was discrimination, in a particular activity or program that the Federal Government should cut off the Federal funds. But may I say this: I think this ought to be done with restraint. I don't think it ought to be precipitous and that's why there have been certain protections and limitations written into this section of the bill. But I don't believe, Senator, that you can justify collecting Federal taxes from a colored person and then denying him the benefits of Federal assistance when funds are made available to his State. I don't think you can justify——

Senator THURMOND. This is pure socialism. It is Government control of the means of production and distribution and that is socialism. Title 6 fits this definition of socialism.

Mr. SEVAREID. Senator THURMOND, we have a little time left. I would like to give each of you the opportunity for a short summation of your feelings about the bill as a whole. We won't have more than about a minute and a half for each one of you, I'm afraid, but since Senator HUMPHREY started at the beginning, would you start the summation, Senator THURMOND?

Senator THURMOND. To persons in such a State as Minnesota, it may seem feasible to accomplish total integration of the races. In Minnesota, there are only 7 Negroes per 1,000 persons. It is an entirely different matter, however, where there are 250 to 400 Negroes per 1,000 persons. Now, no one should believe that he has learned all about the * * * bill before the Senate from this brief discussion. The public accommodations, the FEPC and the fund-withholding sections, which we had discussed here, comprise only 3 of 11 titles of this bill. We have not even mentioned the powers of the Attorney General to bring suits in the field of education. President Johnson led a successful fight in the Senate in 1957 and in 1960 to reject this provision because it was so extreme and unwarranted. Nor have we had time to mention the section which attempts to override the constitutionally reserved right of each State to determine the qualifications of voters. No bill is a civil rights bill if it takes away basic liberties and constitutional rights and guarantees, and replaces them with arbitrary Government powers. The so-called civil rights movement in America has often been called a revolution. Whatever defines a revolution? Webster has defined a revolution as "a fundamental change in political organization or a government or constitution."

Mr. SEVAREID. Senator, I'm going to have to let Senator HUMPHREY have his very few remaining moments here for his summation.

Senator HUMPHREY. First of all, I would like to say thank you to my colleague for this discussion. Secondly, President Johnson vigorously, wholeheartedly supports this bill and he supported it before he became President. Then I would add that the purpose of this bill is to close a citizenship gap in this country that has existed far too long. America has been weakened because we haven't given full opportunity to all of our people and the purpose of this bill is to try to lay down a legal framework within which we can work out our problems peacefully and honorably through law, through courts, rather than through violence and through demonstrations. I happen to believe that the issue before us is the great moral issue of our time and I don't think we can avoid it. I am perfectly willing to discuss every feature of this bill and I hope every American will look into every feature of this bill, but I cannot believe that 290 Members of the House of Representatives, 152 Democrats, 138 Republicans, would have voted for this bill if it was as evil as it has been described by my opponent here tonight. I just can't believe it. Two hundred and ninety to a hundred and thirty. It is my view that this legislation is a good beginning toward making America a little better of a country, a little stronger, a little greater and with a better and a more wholesome spirit.

Mr. SEVAREID. Thank you, Senator HUMPHREY.

Senator THURMOND. It's a pleasure to be with you.

Mr. SEVAREID. And Senator THURMOND.

Senator THURMOND. It's a pleasure to be with my colleague.

Mr. SEVAREID. It's a pleasure to have you both here. The bill itself is some 55 pages long, as I recollect. We have had fewer than that many minutes to talk about this enormously complicated piece of legislation tonight. I think perhaps this discussion, however, has given people some idea, not only of the intellectual clash that's involved in this monumental piece of domestic legislation, but the enormous emotional cargo that lies behind it on both sides. This fili-

buster, or debate, or whatever is to be called in the Senate, could go on for weeks, probably for months.

Senator THURMOND. Educational debate.

Mr. SEVAREID. We have no certainty that it will come out in its present form, or even indeed that it will come out. It will certainly change the lives, if it does, of a great many Americans in rather intimate ways. Should it not be passed, we may have disorder on our streets, even as bad or worse as we have had before. Careers and elections could be affected. Well, I'm sorry we don't have unlimited debate on television, so I will have to say goodnight now. This is Eric Sevareid. Good night to you all.

(Announcement.)

ANNOUNCER. "CBS Reports" is a production of CBS news and tonight originated live and on film.

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EXCITEMENT ON TV

A good many people watching the CBS documentary on the civil rights bill must have been impressed Wednesday night with what can be done with the traditional college debate format.

Senators HUBERT HUMPHREY and STROM THURMOND, standing behind simple wooden rostrums like those available in any meeting hall, brought more excitement and substance to the program than half an hour of slick camera work and smooth script could have possibly done.

There was fire in their presentations. There were interruptions, but general adherence to the rules of debate. Expressions from one Senator evoked immediate responses from the other.

All in all, it was such a lively exchange—briefly summarizing the positions of the two sides in the civil rights debate—that a viewer with any interest at all in the subject felt compelled to keep watching.

Unlike the Kennedy-Nixon debates, time was not so formally divided that spontaneity had to be lessened. The Senators had equal time, but there could be split second intrusions of one upon the other.

It is surprising to think that such a simple device, tried and true long before television came along, could still be so effective and yet so little used. It enables the public to understand why the Lincoln-Douglas debates were so fascinating even to people without much interest in politics.

CBS, which deserves a favorable response to this bit of pioneering on an old frontier, should do it again.

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

Mr. MORSE. I yield.

Mr. JOHNSTON. I commend the Senator from Oregon for the excellent way in which he has presented his views to the Senate. The Senator always presents his views on all subjects in a forceful manner. When he touches on legal questions, I listen to him with much interest, for I know he will present views which will be useful and beneficial to me. The senior Senator from Oregon has had much experience in the interpretation of laws enacted by Congress of committees reports and statements made in the Senate concerning legislative matters.

I wish to ask the Senator a question: Is it not also true that when we have before us a bill such as this, the mere changing of a few words here and there might change the entire interpretation and meaning of the bill?

Mr. MORSE. There is no doubt about it. As I said in my speech, the bill is honeycombed with many legal problems. The precise meaning of words will be very important. The courts will go through the bill with a fine-tooth legal comb in reaching a conclusion as to its legal import. That is why I made my plea for a committee report.

Mr. JOHNSTON. The meaning and context of many of the words in the bill are not explained.

Mr. MORSE. As I said, the debate during the past 2 weeks shows much confusion among the proponents and the opponents as to the meaning of many sections of the bill. That is why I should like to have the advantage of a committee report.

Mr. JOHNSTON. I thoroughly agree with the Senator from Oregon. The committee should have a right to study the bill and make suggestions to improve it. That is done with respect to all other bills. Is not that the reason for the establishment of committees?

Mr. MORSE. That is correct. I thank the Senator from South Carolina for his kind remarks.

Does the Senator from New York wish me to yield to him, or does he wish to obtain the floor in his own right?

Mr. KEATING. I desire to obtain the floor in my own right.

Mr. MORSE. I yield the floor.

Mr. KEATING. Mr. President, the Senator from Oregon has moved that the Senate refer the bill to the Committee on the Judiciary. The Senator has made an eloquent and learned appeal that the Senate avail itself of the wisdom of the investigatory and deliberative processes of the Judiciary Committee.

Speaking as a member of that committee, I express gratitude to him for the high appraisals he places on its members. I defer to none in my estimate of the committee's capabilities, industry, and integrity.

But I must question the Senator's premise that sending this bill to the Judiciary Committee—the traditional graveyard for civil rights legislation—will somehow add to the body of knowledge in this area, will provide a forum for objective discussion of the merits of the proposal and will offer an opportunity for a number of witnesses to testify, and all the members of the committee to question those witnesses.

I speak as a member of that committee. It is understandable to me that anyone who is not a member of that committee might well make the argument which the distinguished Senator from Oregon has made. A Senator would have to serve on the committee in order to understand some of the difficulties involved in the course which he proposes. With all fervor and sincerity, may I say to the Senator that I disagree with the reasoning behind his motion.

The chairman of the Judiciary Committee has decided that the rules of the Senate are also applicable to the committee. This means that a "boreathon" is not only possible, but predictable in the committee. It has happened before and, I assure you, it will happen again.

Last year, 17 civil rights bills, including the administration's civil rights package, were referred to the Constitutional Rights Subcommittee. One, providing for the extension of the Civil Rights Commission was the subject of hearings and was favorably reported—with minority views, of course—to the full committee. Fifteen bills received no consideration whatsoever.

On July 16, 17, 18, 24, 25, 30, and 31; on August 1, 8, and 23; and on September 11 of last year, the committee held hearings on the omnibus civil rights bill and received the testimony of one witness. During those 11 days, we heard over 400 pages of testimony from the Attorney General of the United States. September 11, 1963, was the last of 11 days of hearings on this bill—and as the record shows, at 12 noon, the committee adjourned, subject to the call of the Chair. We have remained subject to the call of the Chair for over 7 months now, and never during that extended period when civil rights was being intensively discussed in other committees and in the other Chamber did we receive the call of the Chair. Yet, during that 7 months, there was never any reason to doubt that the bill would come before this body, or that our hearings would become academic due to extraneous circumstances.

I can only infer from this that having subjected the Attorney General to intensive and exhaustive questioning, the chairman felt that the committee had satisfied itself with respect to the need for further testimony.

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

Mr. KEATING. I yield.

Mr. EASTLAND. Is it not true that at the conclusion of the Attorney General's testimony, the bill was referred to the Constitutional Rights Subcommittee at the request of several members of the Judiciary Committee?

Mr. KEATING. That is correct.

Mr. EASTLAND. And it is there now. The Senator discusses the Judiciary Committee. Is not the bill in the Subcommittee on Constitutional Rights?

Mr. KEATING. It is in the Subcommittee on Constitutional Rights, of which the distinguished Senator from North Carolina [Mr. ERVIN] is the chairman.

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

Mr. KEATING. I yield.

Mr. MORSE. Under my motion, the bill would not go to a subcommittee; it would go to the Judiciary Committee. I have checked the parliamentary rules and find that I am quite right in my understanding that a majority of that committee can meet and sign a report and submit that report to the Senate as a report of the majority of the committee. If a "hassle" occurs in committee, in which parliamentary difficulties are thrown in the way by the minority, that should be stated in the report. The report should state what the problem was. But that report, with the signature of the majority members of the committee, would become the report of the majority of the committee. No member of the minority could prevent the committee from taking that action.

Mr. KEATING. There is no question that the majority of the committee can make a report. On the other hand, there would be very little on which to report. A prediction that the committee will

make a report cannot be made with certainty. Such a prediction probably will not come true. However, I would predict that the same witness we have heard for 11 days, the Attorney General, would logically be called upon to continue his testimony, and after the Senator from North Carolina had completed his questioning—although, of course, the chairman would be the first, if he desired to exercise that privilege—the next questioner would be the Senator from South Carolina [Mr. JOHNSTON]; the next would be the Senator from Arkansas [Mr. MCCLELLAN]; and the next would be the Senator from North Carolina [Mr. ERVIN]. Before the more junior members of the Judiciary Committee were reached, it might develop that a week's time had elapsed, for some questions can be very long. The control of the questioning would to a considerable extent rest with the chairman of the committee.

Mr. MORSE. Mr. President, will the Senator from New York yield again to me?

Mr. KEATING. I yield.

Mr. MORSE. I could not disagree more with what I believe is implied in the remarks of the Senator from New York in regard to the rights of the members of the committee. The bill would go to the committee on Monday; and if any such difficulty developed, the majority of the committee could control the proceedings there, by exercising their power, if they considered that dilatory tactics were being followed.

Mr. KEATING. Perhaps the Senator from Oregon should be a member of the committee.

Mr. MORSE. If I were, I would never advocate the procedure the Senator from New York has outlined.

Mr. KEATING. Many Senators who serve on the committee have endeavored to take such steps at times; but, thus far, our efforts have not been successful. I know that other members of the committee—some from each side of the aisle—have endeavored to have the committee take up civil rights bills; but nothing further in that regard has been accomplished.

The Senator from Oregon has made a very logical argument, with which normally I would find myself in agreement; namely, that each bill should first receive committee consideration. It is because of the unusual situation in connection with this committee's treatment of civil rights bills that I oppose the motion of the Senator from Oregon; and I hope the motion will be rejected.

Mr. MORSE. Mr. President, will the Senator from New York yield again to me?

Mr. KEATING. I yield.

Mr. MORSE. Let us consider the darkest side of the picture painted by the Senator from New York; namely, that all of the direst things he has predicted would obtain. First of all, I think the Senator from New York should attempt to prove that would happen. But even if what he predicts were to happen, it is certain that the eyes of the people of America would be on the committee, and it would not take long for that pressure to become such that the Senate would decide to give the committee some definite instructions in connection with its consideration of the bill.

Mr. KEATING. But the eyes of the Nation have been on the committee for years; and I think most of the American people—regardless of whether they favor or do not favor civil rights legislation—understand perfectly well the situation in the Senate Judiciary Committee, which has had this problem before it many times.

I believe a similar situation would develop there again, even though the next time it might develop there in somewhat different form. Of course I cannot tell just what that situation might be; but it is clear that a complete reversal of the history established by the Judiciary Committee in connection with civil rights bills would have to occur before the members of the committee would be permitted to vote on the amendments which some Senators would wish to offer to the bill.

So if the bill were referred to the Judiciary Committee I would be the most amazed person in the world to find that the committee would permit its members to have an opportunity to submit their amendments and to have the amendments considered by the committee.

Mr. MORSE. Let us try it.

Mr. EASTLAND. Mr. President, will the Senator from New York yield to me?

Mr. KEATING. I yield.

Mr. EASTLAND. The Senator from New York is aware, of course, that before the other bill was reported by the committee, 20 amendments were offered in the committee.

Mr. KEATING. I am aware of that fact; but that was agreed upon ahead of time.

Mr. EASTLAND. No, they were not. However, the Senator from New York said the committee would not consider a civil rights bill; and I point out that the Judiciary Committee did consider that bill, and 20 amendments were offered in the committee.

Mr. KEATING. But the bill was reported to the Senate without a recommendation by the committee. That is quite different from the course advocated by the Senator from Oregon, who states that the committee should have the benefit of the judgment of "the fine lawyers"—I use the Senator's own words, not my own—who serve on the Judiciary Committee.

Mr. EASTLAND. And in that way there could be a committee report.

Mr. KEATING. If the Senator from Mississippi is ready to agree that all the amendments would be considered by the committee and would be acted upon by the committee, and that during the period of 1 week the witnesses whom committee members wish to have called would be called, I would have quite a different attitude toward this motion.

Mr. EASTLAND. Of course, I would call all the witnesses the Senator wants called, although I am sure he realizes that I am a servant of the committee, and I cannot decide for it.

Mr. KEATING. I realize that—but I believe the Senator underestimates his own influence.

Mr. EASTLAND. No; I am only the errand boy of the committee.

Mr. President, I do not seek to detain the Senate long.

In view of the fact that the committee took all that time in subjecting the Attorney General to intensive and exhaustive questioning—a repetition of what had previously happened many times in that committee—I can only infer that the same thing would happen there again. Indeed, in view of the intensive news coverage, the extensive hearings held by other committees, the basic moral character of the issues, and the painstaking clarification of all aspects of the bill which has characterized the entire course of this proposed legislation, it would have been highly reasonable for the chairman to have assumed that any further hearings would be superfluous.

Having stood "subject to the call of the Chair" for 7 months, I am inclined to feel that no useful purpose is to be served at this late date by providing simply one more forum, one more series of discourses, one more delay, and one more procedural gambit to postpone coming to grips at long last with what appears to me to be the paramount moral issue of our times.

Unfortunately, the warm weather has already precipitated some of the riots we had hoped to avoid by prompt passage of this bill. Another week or 10 days lost could be a crucial factor, could make the difference between peace and civil strife. We are acting perfectly within the rules in taking this bill up immediately.

It is unfortunate that it is necessary to take this unusual course; but when matters of such vital importance, including perhaps, even the lives of some citizens, are at stake, we have no choice but to consider the well-known facts, and to reject empty form and futile gesture.

In my judgment, we should vote against this motion. Sincerely motivated though the Senator from Oregon has been in making his motion, I feel that it should be rejected.

Mr. GOLDWATER and Mr. HART addressed the Chair.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, my first concern is for a united people, of a single mind and purpose that justice shall be done to secure for every citizen an equality of both rights and responsibilities.

When this debate is done, and we have enacted some new form of civil rights legislation, let us make sure that the whole people is united still. And let us see to it, by our own conduct, that they have a deeper awareness than before of the bonds that hold together this immensely varied society.

My equal concern is for the preservation of the sovereign States and communities of America. It is from them

that our own authority has been delegated, by all our constituents. It is there that life is lived, in all its complexity. It is there that person-to-person, face-to-face relationships are experienced, in all their immediacy. And it is there, North and South, East and West, that such tremendous progress is now being made—and must continue to be made—to make available for every American the full promise of a free society. Let us, as we proceed, truly represent these States and communities. And let us demonstrate the vitality of our Federal Republic, and the lasting viability of the Federal principle of government.

My ultimate concern is for America as a whole. We are a great people. We have before us great tasks and a limitless national destiny. In brotherhood of common will and mutual respect, all things are possible to us—including the gradual perfection of our own free institutions. In a state of secret civil war, with law used as a bludgeon rather than a bond, we are nothing. Let us who have the privilege of enacting the Nation's laws remember all our obligations—to right and justice and equity, yes, but never at the price of the American constitutional system. Let us respond, always, to the legitimate grievances of every citizen. But in doing so, let us preserve the orderly processes of a healthy and unified society.

What is it that we are now debating? Is it some abstract ideal? Some model of a perfect society? Mr. President, I say it is not. Indeed, we are not debating the civil rights bill at all. We are attempting to establish the rules for that debate. We must first decide how to decide—whether by the rational processes of orderly deliberation, or under the riot guns of public disorder and with contempt for the traditional practices of the Senate.

On this question of procedure—which goes to the very soul of this free Federal Republic—I have made my decision. I line up with the orderly processes of the world's greatest deliberative body—not because of some parochial pride in the Senate as such, but with a sense of our unique responsibility to represent here the considered will of the whole American people. Not, I say again, some perfect community that never has and never will exist—but this America, here and now, with all its variety, with all its complexity of human relationships, with all its best hopes and honest doubts.

The Senator from Oregon asks little enough of us: only 10 days of due consideration by a committee of our colleagues. Ten days, to come to grips in some orderly way with one of the most sweeping grants of authority that we have ever contemplated delegating to the executive establishment. Its potential administrative consequences are only beginning to be understood. Its constitutional implications go to the heart of our Federal system. It is, in every true sense, a revolutionary measure we are asked to consider.

And it is, for this body, a brandnew measure—altered a dozen different ways from the bill we referred to not one but two standing committees during the last session. Even the Attorney General, when confronted with its infinite complexities, had to acknowledge his lack of understanding and his uncertainty over its precise meaning. Yet here we have a wholly new bill—on which this body has held not 1 day of searching investigation, nor heard so much as one expert witness.

I have said, Mr. President, that 10 days of committee consideration is little enough. Indeed, it is too little, far too little, on the showing of the bill's own proponents. The Senator from Oregon, who has indicated his general sympathy with the essentials of the bill, has called for at least a bare measure of orderly deliberation. In this, he is demonstrating a sense of fitness and responsibility. His fellow proponents would do well to follow his example.

Mr. MORSE. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I am happy to yield.

Mr. MORSE. I thank the Senator from Arizona very much for the support that he is giving to my motion. I should like to say to my liberal colleagues in the Senate that on the issue before the Senate it is the Senator from Arizona who is following the liberal course of action, because it is always a liberal position to exercise orderly procedure with full hearings on an issue.

I also wish to say to my liberal friends that debating an "end justifies the means" course is never a liberal course. That is what the position of liberal Senators adds up to on the present issue.

Mr. GOLDWATER. The position I am taking is a historic conservative position. The conservative believes in building the future upon the proved values of the past. I have great faith in the procedures of the Senate and in the rules of the Senate. All the Senator from Oregon is doing in the present instance is agreeing with the conservative practice by proposing to build the future of the bill upon the historic values of the Senate.

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

Mr. GOLDWATER. I am happy to yield.

Mr. MORSE. The difference that we have over the meaning of words only proves why the bill should go to the committee so that the Senate may have a committee report.

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

Mr. GOLDWATER. I yield.

Mr. HART. If we read the history of the past in terms of what would happen to the bill in the Committee on the Judiciary, our views on the question are 180 degrees apart.

Mr. GOLDWATER. I should like to comment in answer to my friend the Senator from Michigan, that the safeguards which I understand the motion of the Senator from Oregon contains would preclude such action on the bill before the Judiciary Committee as he suggests. Committee hearings would merely answer some questions. Frankly, to a layman like myself, who is not as fully acquainted with constitutional procedures and the law as he should be, the hearings would give some answers to questions which are being asked of me daily by my constituents.

I point out to the distinguished Senator from Michigan that in the city of Detroit last night the question was fully explored, and I discovered there, as I have discovered across the country, that the ideas of Americans as to what the bill would do are hazy and fuzzy. It would do all of us good to listen to the advice of the majority and the minority in the Judiciary Committee. That is one of the reasons why I support the motion of the Senator from Oregon.

This is called the most significant measure proposed in the field of civil rights in over a century. And they are right, however we evaluate its quality and estimate its consequences. They are right in suggesting that, within the framework of the bill, the American people would be embarking on a wholly new departure—in Federal regulatory powers, in Federal-State relations, in public control over the most intimate of private and personal relations. I do not—indeed, until our deliberations are concluded, I cannot—prejudge the outcome. I know where my predispositions lie, but I remain open to rational persuasion, on every aspect of the bill. I seek only an opportunity for persuasion, for rational debate, to go forward. I will not foreclose any step in this orderly process. Yet, in their excess of zeal—possibly, with an excess of self-righteousness—this is precisely what the bill's supporters would have us not do.

I will not sit still while the foundations of sound decisionmaking are thus undermined.

I have recently returned from an area of the Nation where residents of several communities in several States are now grappling with issues that lie at the heart of the bill before us. And I have been struck, and deeply impressed, by the earnestness with which they are searching for lasting, workable, and equitable solutions. The people of Seattle and Tacoma, the people of the State of California, are seeking just arrangements that they—all of them—can live with, in mutual harmony.

How much do any of us know about these problems, and the practical experience of communities across the Nation in coping with them? How can we know what we must, in order to write sound and enforceable legislation, in the absence of the fullest possible measure of orderly legislative procedure? We cannot, not possibly. We can, to be sure, become the captives of each day's headlines. We can react, blindly, to massive pressure. We can mistake raucous demonstrations, in contempt of orderly process, for the voice of the whole people. We can, in sum, write bad law.

This would be the easy way. And this way, we might fool ourselves that we had somehow enacted "instant morality." We could thoughtlessly extend the vast sweep of Federal compulsion, but not the enduring authority of sound law.

This way, too, lies the erosion of the true legislative process, the essential foundation of free government. The victims would be the Senate of the United States, the due order of our constitutional system, and popular respect for the authority of law itself. The ultimate victims would be the institutions of our Federal Republic. And I submit that the American people—the whole people—would end up paying the bill.

Mr. JAVITS. Mr. President, I oppose the Morse motion, on a very fundamental ground. I entirely reject the charge that we who are the proponents of the bill and the opponents of the Morse motion wish somehow to transgress, avoid, step away from, or forget about the rules of the Senate.

Every rule of the Senate has the same standing as any other rule of the Senate. The Senator from Oregon [Mr. MORSE] invokes the rule which enables him to move to refer the bill to a committee when it became the pending business. We invoked rule XIV, which enables a bill, when it comes from the other body, to be placed directly on the Senate Calendar after a second reading, a rule which is used to avoid interminable debate in committee, especially in regard to vital legislation which the people of the United States may need.

What is wrong with our using the rules for a change? Indeed, it is high time that we did. There is no lack of precedent for our use of the rules. The civil rights bill of 1957 was passed by the use of the rule, and it is the only meaningful civil rights law on the books. The 1960 bill, which went to committee, turned out to be a weak and emasculated piece of legislation. What did the committee do with it? I hold up the report of the committee on the 1960 bill—one short sheet of paper which only says, in effect, "We send it back to you."

What does that do to the argument of the Senator from Oregon [Mr. MORSE] about how much the Supreme Court is going to read out of the findings of the Judiciary Committee? It blows that argument out of the water. This short paper is the total finding of the Judiciary Committee, and nothing more.

There is talk about legislative intent. Senators already have a report on this bill from the Judiciary Committee of the House of Representatives. Over 150 amendments were considered by the House when the bill was on the floor—39 of them were adopted. I have little doubt that a good many of those will be incorporated in the law. If we are seeking to ascertain the intent of Congress, we must look to the debates in the House; we must look at the committee report of the House, just as we must look at the debates in the Senate, especially the statements of Senators in charge of the bill.

This is traditional. There is nothing unusual about it. The only thing that could result from adoption of the motion would be receipt of a report by the Senate Judiciary Committee which, according to the promise of 1960, will contribute nothing to the record.

So much for the rules of the Senate. We are obeying them. We are invoking a rule. Rule XIV is just as good as any other rule in the book.

The other part of the argument is that it is somehow good for the proponents of the bill to have the committee consider the bill. Let us see how good it is for the proponents of the bill. We have been debating for 15 days the motion to take up the bill. On previous occasions, motions to take up civil rights bills have been debated by opponents of the bills for 8 or 9 days or more.

According to the rules of the Senate, if the bill goes to the Judiciary Committee, as proposed, when the bill comes back to the Senate it will go on the calendar. It will lie over for 1 day. Then what will happen? It will again be subject to a motion to take up; and who is to tell us how long consideration of that motion will take?

The pending motion is in reality a motion to reargue the point of order with respect to the procedure under rule XIV, on which the Senate has already passed. The Senate sustained that procedure 2 weeks ago by a deliberate majority vote when the point of order was overruled. That is all the situation comes down to. We have put our feet on the path of bringing the bill before the Senate, a path dictated by everything that was said by my colleagues from New York, Michigan, and other States, because of the fact that, no matter how one slices it or dresses it up, the Judiciary Committee has been the time-honored graveyard of civil rights legislation. So it is not less than deserved that the bill was taken up in this manner.

I have personally labored on this floor, in efforts to try to discharge the Judiciary Committee from consideration of a civil rights bill of a most elementary character, and to no avail.

I am not going to say that, if the Senate orders the Judiciary Committee to return the bill to the Senate in 10 days, it will not do so. I do not think any committee would defy the Senate in that way. I am not going to enter into arguments which are not germane and fundamental to the issue. But I do argue that we are using the rules of the Senate, and that one rule of the Senate is entitled to as great respect as any other rule of the Senate.

We are not bypassing anybody. The history of the Judiciary Committee, including references to it by this body under these circumstances, indicates that it would be a practically meaningless exercise.

The last point, and a very important one, is, "Where are the problems in respect to this bill; and are we going to get any help with these problems if we send the bill to the Judiciary Committee?"

My colleague the Senator from Arizona addressed himself somewhat to that point.

Although the speech of the minority leader has not been made, I have had the privilege of receiving a copy of his speech. I do not think there will be any opportunity to reply to that speech other than this one.

For a few moments I shall deal with the generic argument that the bill is very "woolly" and requires clarification, that many of the provisions require resolution, and that therefore reference to the Judiciary Committee is required.

First and foremost, I have already made it clear that we are not going to get very much from the Judiciary Committee.

Second, since there were 155 amendments proposed in the other body, one can bet his bottom dollar that plenty of amendments will be proposed in the Senate. I do not know whether the number will be 154 or 155, but there will be many of them. Very probably, some of them will be adopted. As to those, the Senate will not have the help of the Judiciary Committee, and Senators will have to fight it out on the floor.

In addition, the questions raised by the bill will continue to be raised, and will survive passage of the bill, I have no doubt. I will give examples. We cannot settle anybody's doubts about every phase of a bill, even though it may have gone through the committee process, and even with a cooperative committee which has painstakingly examined the bill line by line over a period of months. When such a bill comes from the committee to the Senate, it is still subject to all kinds of doubts, questions, and debate. One can take his choice of any complex bill on the calendar, whether it came from the Judiciary Committee or the Commerce Committee, or whether it was the satellite communications bill or any other complex bill. I say as a lawyer, without the remotest disrespect but with the highest regard for views of others who are lawyers, that many of the questions raised as to uncertainties in the construction of the bill now before the Senate are not justified by the terms of the bill itself.

I shall give a few illustrations. For example, it is said there are some doubts in respect to title IV, relating to public school desegregation, as to whether the language in any way encompasses a private school, or deals solely with public schools.

I respectfully submit, on reading section 401(c), that it is crystal clear that the title relates only to a school which is "operated by a State, subdivision of a State, or governmental agency." There can be no question whatever about the meaning of those words. It can apply only to a public school. The Constitution will not let us apply it to anything else. The fundamental point is made clearly in the legislation itself.

Another question raised is, Does the power of the Attorney General to institute suits, in respect of achieving desegregation in public education, become complicated and uncertain by reason of the fact that desegregation is defined not to mean assignment of students to public schools in order to overcome racial imbalance? All the Attorney General is given power to do is to sue. The courts will determine the substantive issue under the Constitution, as at present. Therefore, the intention of Congress, as clearly set forth in the statute, seems to be adequate in order to give the court itself constitutional guidelines on which to come to a decision.

Another point, of some interest to me, is the question raised with respect to the severability clause in the speech of the

Senator from Illinois [Mr. DIRKSEN]. The severability clause is "boiler plate" which appears in many Federal statutes—founded on hornbook law—so that the act is severable in its various parts when any one part is struck down as applied to a specific state of facts. The Supreme Court, contrary to popular impression, cannot declare a section of a law unconstitutional except in a particular case. Someone else may sue on a different state of facts, and the Supreme Court might conceivably come to another decision as to the constitutionality of that section held unconstitutional on the first state of facts.

I have given only a few examples; there are many others. The concern, the doubts, the fuzziness of the issues stated to be present in the bill are of a nature always present in legislation which ultimately will have to be battled out on the floor of the Senate, by amendment, debate and discussion, which will clearly set forth what the Senate had in mind.

We are engaged in this process already. Judging from previous experience, our purpose will not be helped or forwarded by sending the bill to the Judiciary Committee.

It is said that a committee report is essential in order to give the Supreme Court an opportunity to understand what Congress intended in writing a piece of legislation which may be subject to more than one construction. It is true that the Supreme Court will take a committee report into consideration. I have already pointed out that there is a committee report on this matter in the other body. But the Supreme Court will also take many other things into consideration, especially the authoritative statements made on the floor by Senators in charge of the bill, and in the case of amendments, by the assertions made by the proponents of an amendment himself.

I refer to a recent Supreme Court case, Southern Railway Co. against North Carolina, which was decided on February 17, 1964, in which both the majority of the Court and the dissenters did me the honor of quoting me because I was the proponent of the particular amendment which was before the Court on that occasion. That is a personal experience, which after all is the best teacher.

In closing, the final and conclusive argument with respect to not referring the bill to committee is the question of what it will mean to the country, what will go out to the United States today if we refer the bill to the Judiciary Committee—the traditional graveyard, as the country knows, and as the occupants of the galleries know, of previous civil rights measures. It will be written down as the first defeat for civil rights in the Senate, and the precursor of emasculation of the bill.

There is not enough value to the Senate in this referral to outweigh any such conclusion being drawn from the action which the Senate might take. That conclusion will be drawn inevitably by the ladies and gentlemen in the gallery, if no one else will draw it, that this is the first test of strength with respect to a determination of the Senate to enact a meaningful civil rights bill in this session of Congress.

Much has been said about the fact that we should not legislate under any threats or with concern over demonstrations or violence. I thoroughly agree that we should not legislate under any threat, that we should not legislate in order to meet a threat, if the legislation is designed for that purpose and is not in itself a valid exercise of the legislative authority of the United States in our honest conscience and our best judgment. But that is a far cry from answering legitimate grievances which people entertain, which are manifest and clear.

In many Southern States there are State laws on the statute books, or municipal ordinances, to that effect, which provide that a restaurant may not serve Negroes in the same space with whites without first erecting a solid 7-foot partition between them. In one State, telephone booths may not be used by whites and Negroes alike. There is a fundamental social order practiced in many areas of the United States.

The argument is made that, "New York is not so well off; it has its problems in the public schools." For the purpose of this discussion, I will be a lawyer for a moment. In a demurrer, we grant the statements of fact of the other side and still say they are wrong. That is what I say about this issue. Let us lay aside all the inequities in the New York situation for the moment. We will be bound by the law created by this bill. There are no two more ardent advocates of the law, national and international, than the junior Senator from New York [Mr. KEATING] and myself.

It is one thing to try to remind people that they are violating the law by demonstrations in the streets, which may involve violence because they do not feel they can get justice any other way, and another thing to say to them, "Stay where you are. Do not do anything. We do not know whether you will get justice or not."

It is one thing to say that we will send the bill to the Judiciary Committee for 10 days and that when it comes back we will argue again whether it should be the pending business. It is quite another thing to say we are doing our utmost, within the rules and procedures of the Senate and the Constitution of the United States, to enact such laws as will bring the people justice. Only if we are doing our utmost do we have a right to say to any American citizen, whatever may be the color of his skin, "Keep your shirt on, sir. Give us an opportunity to do what the national interest requires."

Mr. SALTONSTALL. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. SALTONSTALL. I have listened with interest to the Senator. I took the brief of the Senator from Oregon and the brief of the Senator from Illinois into my little room so that I could read them quietly.

The great problem in sending the bill to committee, as I see it, is that it will have only 5 active days in which to accomplish any results. If there are to be any witnesses and any executive sessions, how can 5 days be enough to answer all the questions raised by the Senator from Oregon and the Senator from Illinois?

I cannot believe that those questions can be answered. I have great respect for members of the committee on both sides, but I cannot believe that those questions can be argued out and discussed, and a comprehensive report brought back by April 8. The committee will have only 5 active working days to do that.

For that reason, it seems to me that it would be much more wise and practical to carry the matter forward at this time without sending it to committee, although there would be merit in sending it to committee, if it had sufficient time in which to bring out a comprehensive report. I do not believe that the time between now and April 8 can possibly be enough to bring one out and answer correctly the many questions raised by the Senator from Oregon and the Senator from Illinois. This I believe is the practical reason for voting not to send the bill to the Judiciary Committee at the present time.

Mr. JAVITS. I thank the Senator from Massachusetts. I am always pleased to find myself in agreement with him. I have great respect for him. His statement bears particularly on my statement which the Senator may have heard, that 2 weeks ago we placed our feet on a certain road, which is the road of discussing the bill on the floor of the Senate. There is no real reason why we should change that direction. That is just as much in accord with the rules of the Senate as the course which the Senator from Oregon wishes us to follow.

I wish to sum up the reasons for which I oppose the motion of the Senator from Oregon.

I oppose the motion:

First. Because we, like him, are following the rules of the Senate. I see no greater force or greater tradition in following rule XIV than in following rule XXII, or any other rule of the Senate. We are following rule XIV.

Second. I believe that reference of the bill to the committee would not strengthen our hand, as the Senator from Oregon argues, but would weaken our hand. It will be worse for civil rights if word goes out to the country that, after 15 days of discussion on the floor of the Senate, we are sending the bill back to committee, to be faced again with the question of bringing it before the Senate.

Finally, because the questions which are raised with respect to the proposed legislation will either be settled on the floor of the Senate, as many were in the House, by amendment on the floor, or by substantial acceptance of the bill. Furthermore, very little could be done about the bill even if it were sent to committee, as evidenced by the 1960 action of the Judiciary Committee, when nothing was reported to the Senate except the bill, with some changes.

I do not believe that it is in the national interest or the wisdom of the

country to send the bill to committee. The bill is before the Senate. The Senate should stay with it. We should see it through. The Senate will vote cloture, if it must, to bring it to a conclusion, because the national interest urgently requires it.

Mr. DODD. Mr. President, it has been said in support of the motion of the very able Senator from Orgeon that the Senate is in need of further committee hearings, a fuller legislative record on the bill. Passing the question of whether commitment with instructions to report the bill on a day certain will in fact give us a helpful report, it is abundantly clear that the one thing the Senate does not need is another set of hearings. For this bill has been examined by more committees, in longer hearings, with more witnesses heard at greater length, than any bill within my memory.

The civil rights bill was introduced in the other body as H.R. 7152. Subcommittee No. 5 of the House Judiciary Committee held 22 days of public hearings over a period of 3 months—from May 8 to August 2, 1963; 101 witnesses were questioned, and the record of their testimony covers 2,475 pages. Of these 101 witnesses, 20 were from the South, 9 of these southern governmental officials. There were 71 additional statements submitted, which brought the total record to 2,649 pages. The subcommittee considered the bill in 17 days of executive sessions. The full committee, after 2 days of further hearings with the Attorney General which cover another 129 pages, then considered the bill in executive session for 7 days. The Judiciary Committee submitted a report, including dissenting and additional views, of 153 pages.

In its consideration of title VII of the bill, moreover, the Judiciary Committee was able to draw on extensive hearings held by the Committee on Education and Labor, which had reported out bills in 1962 and 1963.

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

Mr. DODD. I yield.

Mr. JAVITS. The Senator is making an excellent point. Should it not appear also that the Committee on Commerce of the Senate reported on title II?

Mr. DODD. Yes; I shall refer to that. In 1962, that committee held 12 days of hearings on a fair employment bill, during which it heard 91 witnesses including many State and municipal officials. The record of those hearings covers 1,156 pages. In 1963, it held 10 days of hearings with 33 witnesses, compiling a record of 557 pages. Title VII is based on these two bills.

The bill then went before the House Rules Committee. In 9 days, the Rules Committee heard 39 witnesses, of whom 29 were representatives from the South. The record of those deliberations covers 518 pages.

And what of the Senate during this time? The Senate Committee on Commerce held 22 days of hearings on S. 1732, which comprises title II of the full bill. There were 47 witnesses, of whom 27 were southerners, heard; 13 of the southerners were Government officials. The testimony covers 1,147 pages. There were 81 additional statements submitted, swelling the record to 1,524 pages. The committee's conclusions were submitted in a report of 92 pages—to which one scholarly Senator added 256 pages of individual views and other material.

The Senate Judiciary Committee, sitting on the full bill, held 11 days of hearings in the summer of 1963. It questioned the Attorney General at length, and heard testimony from four Senators. In the 483 pages of those hearings, the Senator from North Carolina, one of the greatest lawyers I have ever known, interrogated the Attorney General at length, and with very great ability, on every conceivable implication of the bill. The committee has not, of course, presented a report.

The Senate Committee on Labor and Public Welfare held 7 days of hearings on S. 1937, a bill to grant equal employment opportunities. It heard 55 witnesses, whose testimony covers 578 pages; and it presented a 58-page report.

In sum, since last May, 6 committees of the Congress have held 83 days of hearings; heard 280 witnesses; filled 6,438 pages of small type with hearings alone. Over 6,000 pages—enough to print over 3 years' reports of the Supreme Court; enough to print full-length biographies of our 10 greatest Presidents; more than enough to keep a conscientious Senator fully occupied for at least 2 weeks merely reading them.

Further hearings could be only a repetition of what has already been said.

Some Senators contend that by refusing to refer the bill to the Judiciary Committee we would be depriving ourselves of the counsel and wisdom of its members. But surely, they and members of the other committees, will speak on the floor of the Senate during the course of the debate. Indeed, we have heard many of them already.

I think all are agreed that the debate on this bill will leave no topic unexplored and that it will be a long debate no matter what additional reports are made. In this case, referral to the Judiciary Committee would be wasted motion and, more importantly, time consuming.

So despite the high respect which I have for the Senator from Oregon, I urge Senators to vote against referring the bill to the Judiciary Committee.

Not only have I high respect for the Senator from Oregon, but I am also trying to soften him up a little bit so that he will not "get after" me too much. Generally speaking, I share the views of the Senator from Oregon on the importance of referral of bills to the proper committees. The value of committees is that they usually save the time of the Senate, so we need not indulge in full dress and detailed debate on every bill that comes before us. However, this is a unique situation. Therefore, I have made the decision to urge the Senate to vote against referral in this instance.

Mr. McNAMARA. Mr. President, the Senate has spent 14 days on the question of taking up the civil rights bill. It seems to me that the pending motion to refer the bill to the Judiciary Committee makes no sense whatever. Therefore, I shall be very happy to vote in support of the majority leader's motion to table the motion to refer the bill to committee.

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

Mr. LONG of Louisiana. Mr. President, will the Senator withhold the request? I should like to make a brief statement.

Mr. McNAMARA. No.

Mr. GRUENING. Mr. President, will the Senator withhold his request for a quorum call?

Mr. McNAMARA. No.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 102 Leg.]

| | | |
|---|---|---|
| Aiken | Hart | Morse |
| Bartlett | Hartke | Morton |
| Bayh | Hayden | Mundt |
| Beall | Hickenlooper | Muskie |
| Bible | Hill | Nelson |
| Boggs | Holland | Neuberger |
| Brewster | Hruska | Pastore |
| Burdick | Humphrey | Pell |
| Byrd, Va. | Inouye | Prouty |
| Byrd, W. Va. | Javits | Proxmire |
| Cannon | Johnston | Ribicoff |
| Carlson | Jordan, N.C. | Robertson |
| Case | Jordan, Idaho | Russell |
| Clark | Keating | Saltonstall |
| Cooper | Kennedy | Scott |
| Cotton | Kuchel | Smathers |
| Dirksen | Lausche | Smith |
| Dodd | Long, Mo. | Sparkman |
| Dominick | Long, La. | Stennis |
| Douglas | Magnuson | Symington |
| Eastland | Mansfield | Talmadge |
| Edmondson | McCarthy | Thurmond |
| Ellender | McClellan | Walters |
| Engle | McGee | Williams, N.J. |
| Ervin | McGovern | Williams, Del. |
| Fong | McIntyre | Yarborough |
| Fulbright | McNamara | Young, N. Dak. |
| Goldwater | Mechem | Young, Ohio |
| Gore | Metcalf | |
| Gruening | Miller | |

The PRESIDING OFFICER. A quorum is present.

Mr. DIRKSEN obtained the floor.

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

Mr. DIRKSEN. I yield to the distinguished Senator from Oregon.

Mr. MORSE. I intend to take only a few minutes to answer the Senator from New York; and I believe this is as good a time as any other to answer him.

First, I wish to consider his argument that there is a House committee report on this bill. I point out that the House committee report contains only one brief paragraph in regard to the intent and purpose in connection with the bill; all the rest of the House committee report is an analysis of various sections of the bill, and such an analysis could not be used by a court in determining the legislative intent. Furthermore, in the small paragraph to which I have referred, there is not enough to enable a court to determine the congressional intent.

Furthermore, that report was made on the bill before it was brought to the floor of the House and before more than 30 amendments were added to it there. So I point out to the Senator from New York that the House committee report would be of no use to a court.

The Senator from New York cited the Southern Railway case; but I point out that it involved both a House committee report and a Senate committee report.

In my speech this morning, I cited Supreme Court decision after Supreme

Court decision which show that when a committee report is available, the Court will relate to the committee report the statements made on the floor by the Members, and particularly the statements made by the Members charged with the management of the bill on the floor.

In short, Mr. President, the enthusiastic speech of the Senator from New York did not really deal with my motion. When we consider the entire speech of the Senator from New York, it is clear that his argument, basically, was, "Why should not we use the rules against them, inasmuch as they used the rules against us?" I shall tell him why. It is because the Senate should say to the majority of the Judiciary Committee, "Get busy and give us a committee report, because we are entitled to have a committee report for our use in connection with the bill; and, in addition, the courts are also entitled to have the benefit of a committee report."

Mr. President, I have checked with the Parliamentarian; and it is certain that there is nothing to prevent the majority of the Judiciary Committee from meeting and from making entirely clear that they were meeting as a majority of the committee; and then the majority could proceed to write a report, and those members would sign it, and could include in it a statement that it was the result of the decision by the majority of the committee whose signatures were attached to the report; and then they could make the report to the Senate.

So much for the speech of the Senator from New York.

As for the speech of the Senator from Connecticut [Mr. DODD], I point out that he is too good a lawyer to make the mistake he made in the course of his remarks on the floor of the Senate today, when he said many committee hearings on this subject have been held; and he cited the number of pages and the number of witnesses, and so forth. However, those are worthless statistics, because the only committee report a court could use on this bill would be one held on this very bill, not on bills introduced in previous years. Therefore, I emphasize the point that the courts are entitled to have the benefit of a committee hearing and a committee report on this bill.

Thus, it is clear that the majority of the Judiciary Committee should get together. They know what the arguments are, what the problems are, and what the questions are. They should say, "We will proceed to hold a hearing on this bill, and to call the witnesses."

I also point out that under my motion, in holding the hearing, there could be 6 full days of hearings—not 5, as some have stated — before the committee would have to report the bill to the Senate.

If the Senate sees fit to adopt my motion—and I hope the Senate will adopt it—of course the committee will then be able to decide on the details in regard to the staff job to be done in connection with its hearings on the bill.

Therefore, Mr. President, the Senate is now to decide whether it wishes to pass this bill without having the benefit of a committee report on it—in which case the result would be great difficulties in connection with litigation in the years ahead; or, instead:

First. Does the Senate wish to have the committee consider the bill, and then make a report which would be very helpful to the Senate?

Second. Does the Senate wish to have the committee make a report which would be helpful to the courts, in determining, in the future, the legislative intent in connection with this bill?

Third. Does the Senate wish to have the committee consider this bill and make a report to it, and thus banish any argument to the effect that inasmuch as the rules have been used against those of us who are procivil rights, that action would justify our now using the rules against the opponents of the bill? Mr. President, I do not play the game that way, and I do not think the Senate should do so.

My final point is that I believe the course I propose will be the best one in the long run, in order to gain the public support that is needed and to obtain the number of votes needed in order to order cloture, and also in order to place ourselves in a position in which no one could have justification for criticizing the position we have taken in this connection.

That is the way in which to pass a strong civil rights bill. I urge the adoption of my motion. That is the last statement I shall make on it.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Louisiana without losing my right to the floor.

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

Mr. LONG of Louisiana. Mr. President, in the process of our debates during the past 2 weeks on the subject of the racial integration bills, there have been many claims and counterclaims as to how the "tide" or the trend is running in relation to this issue.

My colleagues who oppose H.R. 7152 have contended that there are many evidences which indicate a ground swell all across the Nation against forced integration in general and against the proposed legislation in particular. Among many other incidents, we have noted that, in the Northern State of Michigan, the Detroit City Council last fall rejected by a vote of 7 to 2 a proposed ordinance to force open all housing to Negroes. We have seen the voters of Takoma and Seattle, in the great Northern State of Washington, defeat similar proposals. In Seattle the voters defeated the open occupancy proposition by a lopsided vote of 112,448 to 53,453. The electorate of Berkeley, Calif., recently rendered the same verdict at the polls when they voted down a similar housing ordinance.

Only this month we have noted in the CONGRESSIONAL RECORD the results of a questionnaire poll taken in Illinois' Fourth Congressional District, in Cook County, by Congressman ED DERWINSKI. The good people of that northern congressional district polled 87 percent to 10 percent for Federal civil rights legislation in the field of voting; but 64 percent to 28 percent against legislation to force school integraton; and 51 percent to 31 percent against giving permanent status to the Civil Rights Commission; and 60 percent to 27 percent against use of the interstate commerce clause to enforce access to so-called public accommodations.

In the Northern State of New York, we have observed 15,000 white mothers and fathers march in freezing rain and snow in protest of forced racial mixing in their schools. And here in Washington, D.C., we have seen and heard conclusive evidence of the flood of mail from all sections of the country opposing the enactment of the forced integration bill. The list of indications of the trend go on and on, ad infinitum.

Of course, proponents still claim that the trend is running in their favor and that indications to the contrary have somehow been conjured up by hatemongers and "outside agitators." However, I have here an item which should lend a great deal of weight to our argument that there is indeed a deep-seated movement against forced integration and in favor of the efforts of those of us who seek to defeat the proposed legislation.

Mr. President, I send to the desk and ask that it be printed at this point in my remarks a newspaper clipping from the Washington Post of Wednesday, March 25, concerning a recent Gallup Poll on the subject of the right of unlimited debate in the Senate.

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

FILIBUSTER CUTOFF VIEWS SPLIT EVENLY

(By George Gallup)

PRINCETON, N.J., March 24.—Sentiment among Americans is about evenly split over a proposal that would change Senate rules to enable a simple majority to call for an end to debate. The rules now in effect call for a two-thirds majority.

With the controversial Senate battle over the civil rights bill threatening to continue for many weeks, Gallup Poll interviews across the country asked these two questions of a representative sample of the Nation's adults:

"Will you tell me what the term 'filibuster' means to you?"

| | *Percent* |
|---|---|
| Correct | 54 |
| Incorrect and don't know | 46 |

Those persons who answered correctly were then asked the following question:

"It has been suggested that the Senate change its rules so that a simple majority can call for an end to discussion instead of a two-thirds majority as is now the case. Do you approve or disapprove of this?"

The latest national findings among those persons who could correctly identify the term filibuster, and the trend since 1949:

[In percent]

| | Today | 1957 | 1949 |
|---|---|---|---|
| Approve | 40 | 49 | 54 |
| Disapprove | 38 | 35 | 35 |
| No opinion | 22 | 16 | 11 |

Mr. LONG of Louisiana. Mr. President, this poll indicates that 40 percent of those Americans who understand the meaning of the term "filibuster" disapprove of it, 38 percent approve of it, and 22 percent have no opinion on the matter. But these figures do not tell the story of the trend which looms in the background.

Closer inspection of the statistics indicates that while in 1949 about 54 percent of the public favored an end to the right of unlimited debate in the Senate, that figure dropped to 49 percent in 1957 and has fallen to only 40 percent today.

The important thing to note is that there has been a marked trend over the past 15 years in favor of preserving the right of unlimited debate in the Senate. Among persons who understand what the term "filibuster" implies, there has been a 26-percent decrease in those who want to abolish this legislative safeguard. This surprising change is due to three main factors, all of which are directly involved in the forced integration bills now before the Senate.

First, I believe that there has been a general public reaction in the last decade against the unprecedented growth of Federal power, at the expense of States and individuals. The public has begun to sense that their Senators should preserve this safeguard against the power grab which is found in this bill and against similar power grabs in the future.

Secondly, millions of white citizens outside the South are growing weary of the extremist elements in the racial integration movement. These good people feel that they are registering a long overdue vote of protest when they endorse the filibuster as a final means of blocking unreasonable demands by race agitators.

Finally, the trend described by the Gallup Poll indicates a growing tide of opposition to the forced integration proposals now before the Senate. Millions of people who have favored civil rights legislation in the past are awakening to the fact that this particular bill takes away more freedoms than it confers. For the first time in their lives they are able to appreciate the value of unlimited debate in our efforts to preserve the rights of privacy, property, and free enterprise for all Americans.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Florida without losing my right to the floor.

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

Mr. HOLLAND. Mr. President, I wish to support strongly the position taken by the distinguished Senator from Louisiana, and in addition, to point out what numerous important people in other sections of the Nation outside the South are saying with reference to the exceedingly dangerous provisions of the bill. I should like to quote from John Knight of the Knight newspapers. In a signed editorial published in the Detroit Press, he states that he regards the bill as a measure which is socialistic insofar as the FEPC or the EEOE provision is concerned. He goes completely out to oppose the measure.

I cite such people as Mr. Arthur Krock, of the New York Times. I cite such people as a retired member of the U.S. Supreme Court, Mr. Justice Whittaker, who twice in the course of his remarks relative to the FEPC provision spoke of it as a socialistic approach that would be destructive of the liberties which we regard as Americans.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arkansas, without losing my right to the floor.

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

## CAREER OF SENATOR WILLIAM E. BORAH OF IDAHO

Mr. FULBRIGHT. Mr. President, the senior Senator from Idaho [Mr. CHURCH] is necessarily absent from the Senate. The Senator from Idaho [Mr. CHURCH] is in his home State to deliver a Borah Foundation lecture at the University of Idaho. His theme is the career of Senator William E. Borah, who was chairman of the Senate Committee on Foreign Relations from 1924 to 1933. I have had the opportunity to read this extremely interesting and very informative lecture and I commend it to my colleagues. The Senator from Idaho [Mr. CHURCH] is the first Idahoan since Senator Borah to serve on the Committee on Foreign Relations. His very valuable service on the committee has, I am sure, helped to produce the insights into Senator Borah's views which are captured in this lecture. Those who are not familiar with Borah's career will find this speech highly enlightening and, perhaps, a little surprising. At one point in his remarks the Senator from Idaho points out:

> History, to be sure, is a stern judge. We are not entitled to expect that Borah should be treated with kindness. But we are entitled to ask that he be treated with justice. Apart from the constructive liberal role he played in our domestic politics, his role in our foreign affairs was neither so negative, nor so naive, as is depicted nowadays. Indeed, we could profitably relate some of Borah's venturesome thinking in his time to some of the sterile, stereotyped notions which seem to currently prevail.

I recommend this lecture to my colleagues. It is a unique study of the personal and intellectual traits which made Senator Borah a highly respected and powerful figure in his time. Mr. President, I ask unanimous consent that this speech be printed in the RECORD at this point.

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

THE ROLE OF BORAH IN AMERICAN FOREIGN POLICY

(A Borah Foundation lecture by Senator FRANK CHURCH, Democrat, of Idaho, delivered at the University of Idaho, at Moscow, Idaho, on March 26, 1964)

It was not given to me to know, to hear, or even to see the living Borah. I caught no more than a fleeting glimpse of his remains, as I passed his opened coffin set upon its catafalque in the rotunda of the State Capitol in Boise. All that morning, an uninterrupted line of people walked slowly passed his bier, to take their last look at the man who had represented them for 33 years in the Senate of the United States.

It was January 25, 1940. William E. Borah, whom the country knew as the "Lion of Idaho," was dead. An illustrious company of Senators had come from Washington to pay their final respects; the attention of the Nation was focused that day upon the funeral services in Boise. Dean Rhea paid tribute to Borah by imploring God "to grant that some now silent tongue will speak the truth as courageously as he spoke it," and leading citizens in attendance said the sermon was delivered with a force and dignity that Borah himself would have approved.

As to this, I cannot personally testify. For I was barely 16 years of age, having just entered high school, and the best vantage point I could secure was on the curbstone of Capitol Boulevard directly below the depot, where the long funeral procession was later to pass by. I remember the thick crowds, the unaccustomed feeling of being a part of a larger drama than our little city could wholly comprehend or contain. I remember the pack of reporters from afar, surveying the people with cynical eyes, and the newsreel cameras, and the flashbulbs. And I remember the people who had come from all parts of the State, from the towns, from the farms, from the mountains. Some, I'm sure, came mainly out of curiosity, but many were those who came to grieve. I know, because I was one who came to grieve.

William E. Borah had been the idol of my boyhood years. I suppose, in a way, he is still an idol of mine, though I see him now in a different light. It was the towering figure of Borah in the Senate which first attracted my attention to politics. Because he was a Senator, I wanted to become one. And when I did become one, 16 years later, I sought ways to honor Borah's memory.

I nominated him for inclusion among the five outstanding Senators whose portraits were to be featured in the Senate's reception hall. A select committee, under the chairmanship of then Senator John F. Kennedy, included Borah in the final listings of the greatest men ever to serve in the Senate. The five eventually chosen—Clay, Webster, Calhoun, La Follette, and Taft, are eminently worthy men; but I still think Borah should have been placed among them.

Later, when I became a member of the Senate Foreign Relations Committee—the first Idahoan to serve on that committee since Borah—I discovered that his picture was not among those of the former chairmen in the committee anteroom. This oversight, I can report, has now been remedied. From his widow, Mary Borah, who, though frail and aged, still graces Washington, I secured a handsome portrait of the husband she still calls "Billy," which now hangs in its rightful place in the committee chamber.

So, you see, if sentiment were to dictate my remarks today, I fear I would deliver a eulogy instead of a lecture. Indeed, you might prefer a eulogy, which is usually a pleasant venture in nostalgia that permits us to comfortably recall only those parts of the past which conform to present predilections.

But this kind of rendition, while it might be pleasing to you, would be a disservice to Borah. While he lived, he was usually making things very uncomfortable for men in high station, both in and out of his party. He was not an organization man. He refused to be a stereotype thinker. He was often a champion of unpopular causes. Though a Republican, he was at odds with most of the Republican Presidents with whom he served, and frequently with the "party regulars" in his own State. He was splendidly independent, highly controversial, and when he died, his critics were as numerous as his friends. His place in history is not yet settled, but sure it is that he will have one—a distinction that comes to very few.

The people of Idaho took an uncommon pride in Borah; he gave them the opportunity to bask in the reflected glory of his own prominence. They liked to tell the story of the little boy who wandered into the lobby of the Owyhee Hotel in Boise, to find Borah standing there shaking hands with the passers-by. The Senator patted the boy on the head and sent him running home to tell his father: "Daddy, guess what, guess what,"

cried the little boy, "I have just seen Senator Borah, down at the Owyhee Hotel."

"Don't be ridiculous," replied the father, "What would a big man like Borah be doing way out here in Boise, Idaho."

There can be no question but what Borah's role in the formulation of American foreign policy was extraordinarily large. From the end of the First World War to his death in 1940, I think it does not overstate the case to say that Borah's voice in foreign affairs was the most prominent in the land. Certainly he had no peer in the Senate, and no Member of that body has since exerted so much influence over the course of our foreign policy. The foreign press was well aware of the Idaho Senator's importance. During the Hoover administration, one European agency once cabled its Washington correspondent: "Never mind Hoover statement, rush comment from Borah."

How the Senator managed to exert such powerful influence is still a matter of some conjecture. Clearly, it was partly due to the strength of the man's convictions, to his singular eloquence, and to the general force of his personality. As chairman of the Senate Foreign Relations Committee, he had the best platform on Congressional Hill from which to speak. But this is only half of the explanation.

The other half is that, during his years of greatest prominence, Borah filled a policy vacuum in the field of foreign relations. Woodrow Wilson's three Republican successors in the Presidential office were men who did not exercise vigorous leadership, and they did not greatly concern themselves with foreign affairs. The lull between the wars afforded them the luxury of detachment.

So it was, from 1924 to 1933, during the decade that Borah served as chairman of the Foreign Relations Committee, that the Presidents, to a considerable degree, defaulted to Borah the role of the country's foremost spokesman in matters of foreign policy.

It is hard to believe how this could happen, in these days of massive American involvement in the world at large, particularly when one considers that the Constitution vests something close to plenary power in the President to direct the country's external policies.

But in the twenties the climate was very different from what we know today. The disillusionment which set in after the cheering for Wilson stopped; the return to isolationism, based mainly upon the assumption that our involvement in the war itself had been a mistake; the naive notion that conditions of normalcy had been restored again; all combined to turn the country's attention away from foreign affairs. Into the gap thus created, stepped William E. Borah.

Even after Franklin D. Roosevelt became President and the Idaho Senator had to surrender his committee chairmanship to Key Pittman, of Nevada, the influence of Borah over our foreign policy remained very great. Roosevelt was preoccupied with the critical domestic problems brought on by the depression, during his early years in office, and he did not really exert his prerogative over foreign policy until the period immediately preceding the Second World War. Pittman, a man of limited interest in world affairs, occupied himself mainly with protecting the Nevada silver mines, and was content to leave the broader questions to his friend, Borah, the ranking Republican member of the committee.

In fact, during the New Deal years, Borah enjoyed a closer relationship with President Roosevelt than nearly any other Republican Senator. Although they often differed, their personal rapport was ever cordial. Borah frequently visited the President at the White House, and when Roosevelt went to Boise in 1937, he made a special point to be accompanied by Borah, who introduced him to the great throng of people gathered in front of the State Capitol. Upon Borah's death, William K. Hutchinson, a writer who knew Borah well, said that Franklin D. Roosevelt had been Borah's favorite President of all those with whom he served.

Still, if Borah's preeminence in foreign affairs was due to default at the White House, it was accentuated by his own personal traits and convictions. The press had great faith in him, and he had an equally high regard for the press. He was ardent in his belief in the commonsense of the American people, and so he held that diplomacy should be conducted in full view of the public.

This led him to leave his own door ever open to the press. It was his common practice to lunch with newspapermen, and he was glad to comment on any issue. The journalists reacted in kind, giving him generous coverage, thus enlarging his influence in the Senate and in the country.

In these exchanges, Borah was not reluctant to challenge the State Department's facts, as well as its policies, and he depended at times on his own separate sources of information. The most glaring case came late in his career, when, in the summer of 1939, he flatly predicted that there would be no war in Europe, a mistake which has neither been forgotten, nor forgiven, to this day.

Besides a good press, Borah was able to popularize his causes through skillful oratory. He was judged by many to be the best debater in the Senate. He spoke rather infrequently, so that, when he did take the floor, he drew attention. It was his practice to announce on the previous day his intention to speak on the morrow. The galleries would be packed, and he seldom disappointed his listeners. This kind of spectacle occurs no more in the Senate, for this is an era of fading Senate debate, but even in Borah's time, there were few Senators indeed who could draw a crowd simply by giving notice of their intention to speak.

Still, it was not the force of Borah's delivery alone which drew the crowds to the Senate galleries, but the anticipation of hearing a thoughtful and thorough discourse. Throughout his long tenure as a Senator, Borah was a noted scholar. His reading was extensive. Not long ago, I was discussing this aspect of Borah's life with a Senator who served with him in the latter part of his career. He would often go to visit Borah to find the Idaho Senator reading the classics aloud to himself. He attributed much of Borah's success to this kind of disciplined study.

To his studious endeavors, Borah brought a searching intellect. His powers of analysis were impressive, his arguments were relevant. George Bernard Shaw, the great British dramatist, paid Borah lavish tribute, while giving the rest of the country the back of his hand, when he said of him: "He is the only American whose brains seem properly baked; the others are either crumbs or gruel."

There were other factors, besides these personal attributes, which added to Borah's political strength. The solidity of his support in Idaho was such that he could even neglect making the annual pilgrimage home. There were intervals when he remained away from Idaho for periods of 2 and 3 years at a time. It didn't seem to matter to his constituents. They were proud to have him as their Senator; they were in broad agreement with him on his basic premise, where foreign policy was concerned, that the United States should avoid entangling alliances and stay out of foreign wars; and so they gave him their sanction to take whatever position he thought proper on specific issues. Thus Borah was cloaked with an impunity which is given to few men in public office, enabling him to act with extraordinary independence, free from the usual restraints which inhibited his colleagues.

Borah gloried in his freedom of action. He more often rejected than accepted the party line, and never hesitated to take issue with Republican Presidents. He steadfastly refused to become doctrinaire, and so he frequently found himself lined up with widely differing groups on different questions. This, too, contributed to his strength. Even when the most powerful Senators found Borah against them, they realized that on the next matter to come along, he might well be on their side, and the most eloquent advocate of their case. It was unwise to stay angry at Borah for long.

This doughty independence made the Idaho Senator a colorful and attractive figure to the rank-and-file American. He could take a radical position, and still avoid being castigated as erratic or wildeyed. He could espouse an unpopular cause and be respected for it. Certainly his patriotism was never called into question, a blessing which derived, in part, from the fact that his times may have been less afflicted with fear and foolishness than our own, but also, in part, from the way he couched his arguments in the rhetoric of American principles: homage to the Constitution, faith in the wisdom of the Founding Fathers, and respect for fundamental American morality.

His emphasis on moral values is typified by the story he once told a friend, Ray McKaig, of Boise. He explained to McKaig that, during his first term in the Senate, he lived in Washington near a man who had been a clerk to Lincoln and a Cabinet officer under President Hayes. Borah asked him why the politically inexperienced Lincoln had always been so shrewd. "This brilliant old Cabinet officer of President Hayes told me," Borah related, "that Lincoln was right because Lincoln always insisted that the proper political move was to do the honorable, the ethical, and the right thing * * * that gave me my inspiration, and I have always earnestly tried to follow that plan of Lincoln."

Connected with Borah's sense of public morality was the propriety with which he dealt with his fellow men. Borah was unrestrained and assertive in the enunciation of his views, but his strong words were never coupled with personal malice. He argued issues. He did not attack his opponents personally. He exerted influence because of the esteem with which others held him and his opinions. Although he fought in the forward rank of those Senators described by Woodrow Wilson as the "little band of willful men" who blocked our entry into the League of Nations, Wilson was able to say of him, after the fight was over, "There is one irreconcilable I can respect."

Such were the personal traits and political circumstances which made William E. Borah, dean of the Senate Foreign Relations Committee so formidable a public advocate while he lived. I regret to say that, since his death, the years have not dealt kindly with his memory.

In Washington today, the mention of Borah usually evokes some such knee-jerk reaction as, "He was the last of the head-in-the-sand isolationists," or, "He prevented us from entering the League of Nations," or, "He was a wrecker, not a builder; he never stood for anything, but always against."

History, to be sure, is a stern judge. We are not entitled to expect that Borah should be treated with kindness. But we are entitled to ask that he be treated with justice. Apart from the constructive liberal role he played in our domestic politics, his role in our foreign affairs was neither so negative, nor so naive, as it is depicted nowadays. Indeed, we could profitably relate some of Borah's venturesome thinking in his time to some of the sterile, stereotyped notions which seem to currently prevail.

For example, it is now accepted doctrine in both parties that the United States should persist unconditionally in its policy of nonrecognition of the Communist government of China. This is nothing new. For 15 years following the Russian revolution, we refused to recognize the Soviet Government. Borah, however, vigorously dissented from this negative view. I hardly need say that his was not a popular stand; on no other issue did Borah incite so much criticism. But he remained steadfast through the years, sometimes as the solitary advocate, until the country finally admitted that the Soviet Government was there to stay, whether we liked it or not, and so had to be dealt with. In 1933, Borah won his point, when we extended official recognition of the Government of the Soviet Union.

To Borah, it was simply sensible diplomacy to maintain relations with whatever foreign governments there were. He was not impressed with the argument that the Bolsheviks were untouchable, or that we should have no American Ambassador at the seat of the Red tyranny. He pointed out that many of the foreign governments we traditionally recognized were also tyrannies, and that if we followed the practice of maintaining relations only with those governments we approved, then we would deal with precious few. Besides, although Borah deplored the cruelties and excesses of the Russian Revolution, he did not deplore the revolution itself. He felt that it had given the Russian people a new sense of hope, and had released them from the bondage of "the old, dead, hopeless, past" that was the czarist period.

He contemptuously rejected the argument of the timid that recognition of the Soviet Union would mean an increased internal danger from the Communist conspiracy. As Professor Claudius O. Johnson puts it in his excellent biography of Borah:

"The grim conviction of the great majority of Americans that the Reds should be exterminated wherever found lest Americans wake up one morning to find the Red flag flying from the Capitol, the Senater considered absurd and childish. His own Americanism was such that he knew no Soviet theories could contaminate it; his faith in the Americanism of his fellow countrymen was such that he was confident that no amount of Soviet propaganda would wean them from it."

I think that the persistent opposition of the American people to Communist doctrines has since given abundant proof to the validity of Borah's view.

When I consider our predicament in Panama these days, where anti-American resentment erupts in ugly violence, or when I scrutinize the clever way Fidel Castro has managed to exploit deep-seated hostility in Cuba toward the United States, using it as a lever with which to consolidate his own power, I wish that this country had heeded the warnings of Borah in earlier years.

Latin America was a main area of concern to Borah. He was the friend and champion of the smaller countries. He sympathized with the Mexican revolutionaries in their efforts to achieve social progress, using as his maxim for United States-Mexican relations: "God has made us neighbors; let justice make us friends." In the years after the First World War, he deplored our tendency to use military force in our dealings with countries of the Caribbean. In an article entitled, "The Fetish of Force," Borah plead:

"We have been impatient. We have not been just at all times * * * we have swiftly and without sufficient cause appealed to force * * *. Possessing great power, we have used it without adequate justification. The invasion of Nicaragua was unnecessary and therefore immoral. Who can contemplate without sorrow and humiliation a great and powerful nation, inexhaustible in wealth and unmeasured in manpower, imperiously invading a perfectly helpless country. I think our conduct toward Santo Domingo and Haiti equally indefensible."

On another occasion he commented, "We have formed a habit of rushing marines hither and thither in Central America and imperiously dictating to those people." Nor was he to be a party to the use of the Monroe Doctrine as a moral cover for our forceful intervention in Latin America. As he stated in a letter written in 1928, "The trouble has been we have construed the Monroe Doctrine out of all relation with its original pronouncement."

Oddly enough, I could easily borrow from these statements of Borah, made 30 years ago, in answer to much of my daily mail. Perhaps there is truth in that old French adage that the more things change, the more they remain the same. To those who still cannot see that we are today harvesting the bitter fruits of our earlier "gunboat diplomacy" in the Caribbean, and who seem to think American bayonets will stifle, rather than spread, the seeds of communism, I offer the words of Borah in refutation, and I defy anyone to gainsay the prophetic quality of the warnings he sounded so many years ago.

Those who like to dwell on the negative role of Borah conveniently overlook his affirmative efforts to advance world peace. It is true, of course, that Borah opposed American membership in the League of Nations and the World Court—a position which I personally think was mistaken—but he did so, not because he was against peacekeeping initiatives, but rather because he believed that it was still possible for the United States to pursue a neutral course in world affairs, and he thought our membership in the Court and the League would automatically involve us in the disputes of other nations.

Nevertheless, Borah was a zealous advocate of treaties he felt would promote the cause of peace. He played an important role in initiating the Washington Disarmament Conference of 1921, which resulted in a reduction of naval forces by the leading naval powers. Between the wars, Borah was a strong advocate of disarmament, and often voted to reduce arms appropriations.

The peace plan with which Borah's name is most closely identified was his proposal for the outlawry of war. The Chicago attorney, Salmon O. Levinson, who donated the money for the Borah Foundation, under whose auspices I speak today, was one of the chief architects of this proposal. Borah sponsored the plan during the midtwenties. The idea gained momentum when French Foreign Minister Briand proposed an outlawry-of-war pact between France and the United States, in April of 1927. The American Secretary of State, Frank B. Kellogg, then became interested in the plan, which was later expanded to include Britain, Germany, Italy, and Japan. Borah guided the treaty through the Senate, defending it against all opponents; it was ratified in 1929.

It is easy to look back and ridicule the Briand-Kellogg Pact, but one must judge it in the context of the times. As unrealistic as was the idealism with which we fought the First World War, so equally was the idealism which cloaked our quest for peace afterward. We rejected the Versailles Treaty, because it did not conform to our standard of justice for either the victors or the vanquished; we withdrew to our own shores; we drastically reduced our military forces, because we suspected munitionsmakers, profiting from the war, plotted to again involve us * * * "Merchants of Death" we called them. To make certain that no President would lead us into another foreign war, Congress passed a neutrality act, which forbade the shipment of American arms to either side, whenever a conflict abroad occurred, as though we could by statute prejudge all future conflicts and predetermine what our national attitude should be toward them.

When one considers how we were mesmerized with the notion of neutralism as late as 1938, and how this concept dominated our foreign policy throughout so much of our earlier history, one wonders why Americans become so impatient and exasperated with the neutralism of the newly emerging countries of Africa and Asia, which have just begun to relish the fruits of independence. The answer, I suppose, is that our memory is short.

So it is with our tendency to belittle the Briand-Kellogg Pact from the vantage point of hindsight. Really the worst that can be said of it is that it proved ineffectual and a trifle naive. In fairness to Borah, it must be said that he did not regard the pact as a panacea. Its main usefulness, he thought, was to remove the sanction of legitimacy from the resort to war between nations. He knew that wars—had caused more problems than they had ever solved, and yet, throughout history, he argued, the resort to war had always been regarded as a legitimate form of national action. Let it be outlawed, then, by civilized nations. At the inauguration of the Borah Foundation, on September 23, 1931, here at the University of Idaho, Borah observed:

"But you will say, war may come. So it may. But if it comes, let it come as an outlaw in violation of peace treaties and in violation of international law, and not under a sanction and by the authority and with the blessings of the advocates of peace."

Subsequent events demonstrated that declarations of moral and legal principles, however solemnly entered into, are of little consequence to the avoidance of war, when national governments feel their vital interests are threatened. The house of peace still rests upon foundations of force, though great be the need for extending the writ of international law, for strengthening the tribunals which must interpret and administer it, and for augmenting those institutions, like the United Nations, which labor to achieve the peaceful resolution of international disputes.

I cannot conclude this discourse without acknowledging that Borah did not regard himself as an isolationist, in the general sense of that term. He favored our cooperation with other countries in economic and commercial matters; he pressed for the codification of international law to regularize relationships between nations; he had no objection to our joining the International Labor Organization with headquarters in Geneva. When he asked for a worldwide economic conference in 1923, he denied that he was an isolationist, and claimed that withdrawal was not a Republican policy. His party, he said, had consistently favored participation in foreign negotiations affecting American interests, and had done much to develop peaceful arbitration as a method for settling disputes. Borah argued that, in terms of trade, Americans had always been internationalists, and always would be. He insisted that the only way in which he was an isolationist was that he sought to isolate America from war.

But there was no way, as we were later to discover, that America could be isolated from war. Two years after Borah's death, on December 7, 1941, the Japanese bombing of Pearl Harbor brought home the hard truth that, in a world engulfed by war, we could not preserve our own peace.

Yet, wrong as Borah may have been about our ability, in a shrinking world, to remain uninvolved in wars abroad, he was everlastingly right in his condemnation of the course of power politics in Europe, following Versailles. He criticized the Allied Powers for treating Germany and Russia as outcast nations. He predicted that this treatment

would eventually drive the two countries closer together, in combination against the victorious Allies. Indeed, this is what finally happened; Hitler and Stalin signed their nonaggression pact in 1939, giving the Nazi dictator 2 years to conquer continental Europe, without fear of attack from the East. The outcasts of Europe presided over the subdual of their former taskmasters, until Hitler, unable to restrain his ravenous hunger for power, turned back upon the Soviet Union. Unfortunately, the many occasions when Borah was proved right are not so well remembered as those occasions when he was proved wrong.

In my own study of Borah's life, I have constantly been attracted, not to those views of his which are now irrelevant, but to those premises he held so strongly which still remain applicable to our life and times. I think of his reluctance to use force, his anti-imperialism, and his toleration for diversity in the world at large.

What great validity these premises still have. Who now defends those short-lived attempts to establish an American colonial empire? Who now thinks it was our white man's burden to take over the Philippines? And, in today's world, where we have permitted ourselves to become so massively involved that we regard every little country's frontier, no matter how remote, as our responsibility, do we not wonder whether we haven't extended our commitments beyond our capacity to fulfill? Was there not some wisdom in Borah's attempt to limit the American sphere of responsibility?

Who now would argue that Borah was wrong in attempting to find a substitute for force in the settlement of disputes between nations? His method may have been defective, but his instinct against the folly of war was true. War was bad enough in Borah's time; it has become incalculably worse since the advent of nuclear weapons. Borah was groping for a way to eliminate war. In this, he was not behind his times, but ahead of them.

Today, when we seek to explain our national purpose in world affairs, we often quote the words of our late, great President, John F. Kennedy, that we differ from the Communists in that we are striving to keep the world safe for diversity. We could, with equal aptness, quote the words of William E. Borah, expressed in 1934 before the Council of Foreign Relations in New York City:

"It is one of the crowning glories of the world that we have different peoples and different nations and different civilizations and different political concepts. Standardization may be all right for cattle and sheep and swine of all kinds, but it is not applicable to peoples or nations, and it is not in accordance with the divine economy of things."

A new generation had taken over by the time Borah died in 1940. But his death caused a deep sense of loss and shock. An unprecedented crowd flocked to the National Capitol to try and enter the Senate Chamber, where President Roosevelt joined with Borah's colleagues to mourn his passing. Afterward, a locomotive draped in black pulled his funeral train across the broad prairies where Borah had been born and reared, and over the high Rockies back to his adopted Idaho.

Many were the moving tributes paid him in death, but none more inspiring than the eulogy given by his close friend, Senator Arthur Vandenberg of Michigan, a man who was later to become, in his own right, a distinguished Republican chairman of the Senate Committee on Foreign Relations:

"No mortal words can add to the stature of a great character in human history. They can but acknowledge the vast and eternal debt of lesser men to Olympians whom God occasionally gives to the Republic. It is in this humble spirit that I rise to speak a few simple sentences regarding the greatest man I ever knew. That he was the greatest friend America had in my time and generation is the measure of the Nation's debt to the life and service and the vivid memory of the late U.S. Senator William E. Borah, of Idaho.

"There was something in him of the rugged strength of the mighty mountains of the West whence he came. There was something in him for the lonely pioneer who dares against all odds for the faith of his objective.

"He was one of those few statemen—I can think of but two or three others in our history—who was greater than any President under who he served, and for whom the Presidency itself could have added nothing to his stature or laurels. We shall not see his like again."

## CIVIL RIGHTS ACT OF 1963

The Senate resumed 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.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Michigan without losing my right to the floor.

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

Mr. HART. Mr. President, earlier the senior Senator from New York commented on the time it has taken the Senate to come to this point in its consideration of the pending bill. I made a check and a precise analysis of the calendar and the time. For the RECORD, I believe it should be nailed down.

The motion to consider the bill was made on the 9th day of March. It is now the 26th day of March—17 calendar days were required to make the measure the pending business.

The motion of the senior Senator from Oregon would, if agreed to, on this day, March 26, send the civil rights bill to the Judiciary Committee to be reported back on the 8th day of April—14 calendar days. Seventeen days plus 14 days equals 31 days that we have already "chewed" up, chewing over the question of whether or not to take up the bill. Those 31 days, assuredly, would be lost. To that total we must add the indeterminate additional number of days to bring us back to where we were at about 10 o'clock this morning.

In the judgment of the people of America such action would make no sense at all. I share the deeply expressed conviction of the Senator from New York when he said that it would be regarded as a hideous setback in our effort to respond to the most dramatic, urgent need on the domestic scene in respect to the civil rights aspirations of the people of America.

For that reason alone I would hope that we would reject the motion made by the Senator from Oregon that the bill be referred to the Judiciary Committee.

Second, I am a member of the Judiciary Committee. I served with mixed emotions on occasion, because frustration extends into that committee as well as to other aspects of our days here in the Senate. The senior Senator from Oregon argues that 10 days with the Judiciary Committee would permit the Senate then to be in a better position intelligently to act on the bill. I know how deeply he feels that statement to be true. I can only say, with equal conviction, that I believe it is nonsense. We face a fact of life that none of us ought to pretend can be avoided by any ritualistic reference to a committee with a time certain to report back.

At the very best those nine members whom the Senator from Oregon described as devoted to the bill would, at the end of those 10 days, find themselves compelled to go to the coffee shop and sign a report that was written by them. It would reflect their best opinion. But for the life of me I cannot see how that report would obtain any status other than being the individual views of a majority of the committee, because that committee will not be permitted to vote as a committee in a formal setting on the report.

While I have never served as a judge, I cannot imagine that individual views filed by a majority of that committee would, in terms of legislative history, be any more than Choctaw. So for that reason additionally I suggest that the Senate should reject the motion of the senior Senator from Oregon.

All of us should be reminded of a comment by Mr. Justice Frankfurter in *Greenwood* v. *United States*, 350 U.S. 366, at page 374, where he said:

> This is a case for applying the canon of construction of the wag who said, when the legislative history is doubtful, go to the statute.

I think that the courts can find out what this legislation means by reading the statutory language.

The suggested hearings are unnecessary even if it were true that legislative history is needed to facilitate judicial understanding of the bill. Before the debate in this body is over we will all be surfeited with legislative history. Indeed, the other body alone managed to pile up thousands and thousands of pages of reports, hearings, and debates. On the floor of the House the bill was examined, in detail, title by title, for many days. Those debates were highly organized and rigorously structured to the end that every word, line, clause and section of the bill would be fully explored. And we have been guaranteed more—indeed, much more, a hundred times more—of the same here in the Senate. Is it possible to believe that before the close of debate in this body a single coma will be left unchallenged by opponents of this bill? A single phrase unexplained?

Indeed, the plan of debate in this body calls for a systematic approach, as in the House—a title-by-title inquiry of the most comprehensive scope. The courts will not be troubled, I am sure,

by a lack of legislative history for their guidance. Their difficulties, if any, will result from legislative history so lengthy and cumbersome as to be judicially useless.

I have the feeling also that the suggestion of the Senator from Oregon may be unrealistic. Under all of the applicable circumstances, I doubt this committee would file a report helpful to the Senator or the courts. Necessarily this motion would limit the time which the committee would have for consideration of the bill. The subject matter of the bill, the structure of the committee, and the history of its performance—as recently as this Congress—all point to this conclusion.

For all of these reasons, I submit, the need for an additional legislative record to guide the courts is not a sufficient excuse for procrastinating 10 days more.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the Senator from Kentucky without losing my right to the floor.

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

Mr. COOPER. Mr. President, I shall vote for the motion of the Senator from Oregon to refer the bill (H.R. 7152) to the Committee on the Judiciary, with instructions to report it back to the Senate by April 8, 1964. I shall cast that vote as one who supports the purposes of this bill. In considering our vote on this motion, we should remember that we are concerned not only with the eventual passage of a civil rights bill at this session, but also with the way in which it will be interpreted and enforced in the future, and—as I shall point out in a moment or two—the measure of acceptance and consent that it will receive by the people of our country.

In casting this vote, I know that I shall be voting for a motion which, if accepted, will delay consideration of the bill by the full Senate for 10 to 20 days. The delay might be 30 days. I also realize that the referral of the bill to the Committee on the Judiciary may be an exercise in futility, because the committee may not take any action, and it may not make a report on the bill which would inform the Senate and make clear its legislative intent. Nevertheless, we ought not to assume that the committee will not act, that it will not improve the bill, and that it will not make a report, now lacking, in explanation of the bill and its legislative intent.

The courts have held that it is only the report of a committee, and the statements made by the managers of a bill in connection with the report, which can afford evidence of legislative intent. That does not mean that opinions of Senators who speak on the bill do not have great significance in explaining their views and convictions; but the courts have held that the speeches of Senators have very little significance in the judicial interpretation of legislative intent with respect to various sections of a bill.

My chief reason for voting for the motion to refer is that long after a civil rights bill is passed—and I hope it will be passed this session—we shall have to deal with its enforcement and acceptance. We can expect litigation over its provisions. The courts, including the Supreme Court, have had enough trouble in the past 10 or 20 years and have been required to make important decisions on civil rights, without guidelines from the Congress, because the Congress has failed to act upon civil rights issues, except in 1957 and 1960.

A report of the committee—with changes, if necessary—will give to the courts a record of legislative intent, and to the people a greater understanding of the bill.

Many people have made up their minds that they are against any kind of civil rights legislation. There are many others who believe, as I do, that we must come to grips with the proposition that every citizen must be assured by law his full civil rights. But there are many who, while conscientiously desiring that steps be taken to assure full civil rights, may not yet understand or may be misinformed about the constitutionality, or the power of the Congress to act, or about the meaning or need for this bill, or any other civil rights bill which we may have before us.

One of the great elements in our system of government is that law shall be enforced. But also, a great element is the consent of the people to law—that it shall be accepted and obeyed. Consent comes about in many ways—through education and leadership, but it will also come about if the people believe that the Congress has acted on legislation after the fullest possible consideration.

As I have said, the reference of the bill to the committee will delay passage of civil rights legislation from 10 to 30 days, but that is not as important as making the full effort to secure the best possible bill. For we are legislating not only for this year; we are legislating for the future, for history, and for the full and equal rights of all the people of this country.

Mr. DIRKSEN. Mr. President, I yield to the Senator from Missouri [Mr. LONG].

Mr. LONG of Missouri. Mr. President, I am opposed to the motion to send the bill back to the Judiciary Committee.

I am certain I do not have to remind any Member of this body that 16 days have passed merely on the preliminary matter of whether we should discuss the merits of H.R. 7152. The bill itself is some 55 pages long and contains 11 titles. The 1960 civil rights bill was much shorter and less comprehensive, designed merely to refine the 1957 act. Yet the Senate spent some 37 days considering the merits of that bill, 9 of those in around-the-clock sessions. This portends even lengthier debates over the merits of this bill. Yet we are asked to add 10 more days to this endurance course.

By this time, it would be well-nigh impossible to find an American who did not know that the principal weapon of the opponents of this bill is delay. I ask, then, why should those in the Senate who favor this bill acquiesce in another maneuver for postponement? Why should opponents of the bill be handed 10 more days which would serve to reinforce their strategy that much more?

It is argued that to send the bill back to committee would be the orderly procedure. I think that through their 3-, 4-, 5-hour speeches and reiterated arguments, the opponents of the bill have shown their concern to be not with orderly procedure but with stalling any consideration of the bill. And, as others today have so aptly illustrated, this deference to procedure could bear only fruitless results. The real question then, it seems to me, is whether for the sake of a barren formality, those who favor the bill wish to add to the opponents' artillery 10 more days of delay.

It is also said that to send the bill to the committee would weaken the arguments of the opponents of the bill. But the possibility of weakening their arguments would come only at the cost of strengthening their tactical defenses.

In view of the immediate need for legislation in the field of civil rights and the irreparable harm that continued delay can cause, I urge that this body move to prompt consideration of this crucial bill.

Mr. DIRKSEN. Mr. President, I yield to the Senator from Iowa [Mr. HICKENLOOPER].

Mr. HICKENLOOPER. Mr. President, I wish to make a brief statement for the record. I shall support the motion to send the bill to the committee. I know of no legislation, in the time I have been in the Senate, that has had more far-reaching, ramified potentials in its effect on the American people and our American system than this bill has.

Many features of the bill have not been considered by the committee. It came from the House. Amendments were put in the bill on the floor of the House that were not considered by the House committee. Regardless of the merits or demerits of the bill, the proposals that came over from the House have not been considered by the Judiciary Committee.

If the bill does not go to committee we shall be up against a problem—which may be true even if it does go to committee—in that we shall be face to face with far-reaching amendments offered on the floor of the Senate, in the emotion of debate, and in the full light of publicity that always takes place. That is an emotional situation which in this case should not exist.

Whether the committee will see fit to consider the offering of amendments to the bill or not, I do not know, but at least committee consideration has historically proved that a great deal more calmness can be brought to bear in considering the merits of proposed legislation than in the forum that is the floor of the Senate, in the glare of publicity.

One reason we cannot escape as to why the committee should have consideration of the bill for a limited period of time is that our system should be given a chance.

As Senators have pointed out, and as will be pointed out in the future, the bill contains a number of provisions which I believe have some ominous portents. Such provisions, if they went into effect, might do exactly what the proponents of the bill claim they are trying to stop. In other words, some of the provisions of the bill could create discrimination on

the other side of the question to the same degree, or perhaps to an even greater degree, than it is asserted now exists, and which discrimination is the basis for the bill.

I have in mind specifically a provision that has been referred to previously. I refer to the power given to the Attorney General—not this Attorney General or any other particular Attorney General, but the Office of the Attorney General—to whimsically or capriciously support civil suits all over the United States, based upon the complaint of someone who claimed he was suffering some injustice because of alleged discrimination.

If that provision remains in the bill, I predict that the office of the Attorney General will be so flooded with complaints of all manner of people alleging that they have been discriminated against because of some particular classification into which they fall, racial or otherwise, that he cannot possibly obtain enough lawyers in that office to service claims all over the United States.

I have known many who have been fired from jobs. I have known of many who have been refused employment in jobs that they would like. I have rarely heard anyone admit the real reason why he was either refused employment or fired. Usually he has been incompetent or unable to hold the job. Most of them say they did not get the job because they were discriminated against, or were fired because the boss did not like them, or because they said some picayunish thing which resulted in their being fired.

The real reason for their firing is never given as the excuse. But under this bill, anyone could claim he was discharged because of religious prejudice, or because of color or some other reason. He could, if the Attorney General saw fit, get a civil suit started, with provision for attorney's fees. What a happy hunting ground that would be for some lawyers. I am a lawyer, and I have as much respect for the legal profession as anyone, but what a happy hunting ground that section of the bill would be for many lawyers who would want to get into lawsuits in the hope that they would receive the attorney's fees which would be awarded as a part of the cost of the litigation.

We got away from this principle a good many years ago because we thought it was bad. Now it is proposed to go back to it.

The coercive powers contained in the bill, to coerce people into certain actions which would cut down their basic responsibilities under a free administration, need to be studied, and recommendations should be made thereon.

I have said time and again that I firmly and fully support any Federal legislation needed either to establish equality of rights for all people, or needed to preserve and protect the rights already established. I support legislation for all people on the basis of equality of opportunity. But we have had up until now in the United States a system of freedom of action and of individual responsibility which has made this the greatest private free enterprise system in the world. I want to be careful that in the emotion of the moment—because indignities have been suffered, and certain injustices have occurred which I could not defend and which I should like to see corrected—we do not say to Senators that they must take this legislation without this "crippling amendment," a cliche which has been developed in the past few years, to say to anyone who offers an amendment or any correction to legislation that the advocates' support is offering a "crippling" amendment. Many amendments are strengthening and beneficial amendments. There are amendments which, in many cases, make a particular piece of legislation more acceptable to the American people.

Mr. President, let us make no mistake. We have established precedents in the past, and this may be another precedent. A piece of legislation as far reaching as this, if it does not receive the general acceptance of the American people, will not be obeyed. Ways of circumventing it will be found. We found that out in the prohibition era, during the "noble experiment" of that time which was thrust down the throats of the National Legislature. It was a failure because it did not achieve what the American people wanted; and it was circumvented.

A bill involving human emotions to the extent this bill does, if its provisions do not gain general acceptance by the American people, with a willingness on their part to cooperate in a reasonable way and under reasonable conditions, will fail in its purpose, and we shall have more trouble after it is passed, over a period of time than we had before.

That is why I believe we should give every consideration to a reasonable approach on amendments to the bill. I cannot see that a delay of 10 days or so would do anything except give an opportunity for study of certain questionable features in the bill—a study which the Senate should have the advantage of and which the American people should have the advantage of.

The bill is not passed as yet, although I believe it probably will be.

I thank the Senator from Illinois for yielding to me, and I congratulate him.

Mr. GRUENING. Mr. President, will the Senator from Illinois yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Alaska?

Mr. DIRKSEN. I am glad to yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, I shall support the early passage of the strongest possible civil rights measure. Such legislation is long overdue—at least 101 years overdue.

I am determined to support a strong bill designed to achieve the specific objectives sought in H.R. 7152. I am not wedded to the exact language of that bill and shall, accordingly, lend my support to amendments to the bill designed to strengthen, clarify, and improve its provisions. By the same token, I shall oppose any amendments designed to weaken or cripple the bill.

I am not a newcomer to the field of civil rights. Almost a quarter of a century ago, as Governor of the then territory of Alaska, I faced the problems of discrimination in public accommodations. I felt it was wrong then— I feel it is wrong now. I found at that time in Alaska signs in restaurants reading:

We do not cater to native or Filipino trade.

Other signs were more abrupt:

No natives allowed.

The word "native" in Alaska designates Indians, Eskimos, and Aleuts.

As the able and distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] has recommended, I first tried the voluntary method of seeking to obtain equal accommodations for natives and whites alike.

My remonstrances and my power of persuasion met with some but limited success. I came to the inevitable conclusion that the voluntary method of securing equality in public accommodations would not work, primarily because those restaurateurs of good will were placed at a disadvantage by their competitors who refused to institute similar practices.

When I discussed the need for legislation to cure this disgraceful situation, I was told—as we have been told here on the Senator floor repeatedly—that discrimination against natives—that is Indians, Eskimos, and Aleuts—was the custom of the territory and that legislation to change that custom was not the proper course of action. I was told that ultimately, through education, that custom might change.

That solution was unacceptable to me.

It made no sense to me a quarter of a century ago to say to an American citizen that he or she must tolerate being discriminated against in the enjoyment of rights guaranteed under the Constitution until those practising the discrimination could be educated. It makes no sense to me now.

I then determined to obtain legislation guaranteeing equality in public accommodations. It was not an easy fight, but it was won in the Alaska Territorial Legislature in 1945. The equal accommodations law was implemented in Alaska without a ripple or an incident, and the result has been better feelings between all Alaskans regardless of race. This legislation has of course extended its beneficent protection to Negroes in Alaska who were few in numbers when it was first introduced.

However, my wholehearted support of the earliest possible enactment of a strong civil rights measure does not prevent me from supporting the need for orderly procedures in the Senate.

H.R. 7152 first came before the Senate on February 26, 1964. After the bill was placed on the Senate Calendar, our able and distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], asked unanimous consent that the bill be referred to the Judiciary Committee "with instructions to report back, without recommendation or amendment, to the Senate not later than noon, Wednesday, March 4."

The majority leader took this step, he said, because of the legitimate arguments advanced by a number of Senators, including myself. It was obvious at the

time, and the majority leader so stated, that if his unanimous consent request had then been acceded to there would be no delay in the consideration of the civil rights bill since it was the leadership's intention to proceed to the consideration of the military procurement authorization bill and the wheat-cotton bill before the civil rights bill.

It is indeed unfortunate that one Senator—an ardent supporter of strong civil rights legislation and one who is enthusiastic for speedy action—entered the sole objection to the procedure proposed by the majority leader. Unfortunately, his action delayed action.

It is regrettable that he did not withhold his objection and permit the bill to be referred to the Judiciary Committee with strict instructions to return it to the Senate unchanged by March 4.

For the majority leader was correct.

After the objection, the civil rights bill remained on the Senate Calendar and the Senate proceeded to consider the military procurement authorization bill and the wheat-cotton bill.

It was not until March 9, 1964 that the majority leader made his motion to call up the civil rights bill. It is obvious now, as it was obvious to those of us who urged the referral on February 26, 1964, that nothing would have been lost had the unanimous consent request of the majority leader been agreed to on February 26, 1964.

On the other hand, much would have been gained.

Much of the debate, although not all of it by any means, since the majority leader made his motion to call up the civil rights bill on March 9, 1964, has been devoted to arguments regarding the benefits to be derived from hearings on H.R. 7152 before the Judiciary Committee and from a report on that bill by the members of that committee.

The time since March 9 could more profitably have been spent discussing the specific provisions of the bill—a discussion which those favoring the civil rights legislation say will be made on a point by point basis after the bill has been made the pending business of the Senate.

However, that is water over the dam.

The question before us is on agreeing to the motion of the Senator from Oregon [Mr. MORSE], to refer H.R. 7152 to the Judiciary Committee with instructions to return it to the Senate in 10 days.

Is it too late for such a motion? I do not think so.

Is there anything to be gained by such a limited referral? I am convinced there is.

If his motion prevails, then when the bill is returned to us we would have the benefit of public hearings on the exact language of the bill. It is not enough to say that there have been public hearings on many of the subjects covered by the bill. That is not the same as public hearings on specific language.

For example, the right of an individual to equality in public accommodations can be expressed in many ways in legislation.

It has, for example, been expressed one way in H.R. 7152 and in a different way in S. 1732 which has been reported from the Senate Commerce Committee and is now on the Senate Calendar.

Thus, S. 1732, of which I am a cosponsor, covers, among other places, the following:

> Any hotel, motel, or other public place engaged in furnishing lodging to transient guests, including guests from other States or traveling in interstate commerce, other than an establishment which (A) is located within the building which the proprietor actually occupies as a home and (B) contains not more than five rooms for rent.

Similarly, H.R. 7152 covers, among other places, the following:

> 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.

While these two provisions are similar they are not the same.

Why are "inns" included in the House bill but not mentioned in the Senate bill?

While the House bill uses the word "inns," which the Senate bill does not, the House report on H.R. 7152 refers only to:

> Hotels, motels, and similar establishments.

Why, in the Senate bill, is a building exempt when it is actually occupied by the proprietor as a "home" while the House bill uses the word "residence"? According to the Senate report on S. 1732 there is a great difference between the two words. Thus Senate Report 872 states:

> The exception contained in the bill would apply only when the "proprietor" actually occupies the building in which the establishment is located as a home. A person may have only one "home" as that term is used here. If a person has more than one place of residence or abode, his home would be that place which he uses as his principal residence.

The House report on this section does not clarify the meaning of residence. It merely states: "except those located in a building which is actually occupied by the proprietor thereof" without explaining the use of the word "residence" instead of home.

Why does the House bill refer only to "transient guests" while the Senate bill refers to "transient guests, including guests from other States or traveling in interstate commerce"?

As an important aid to the courts in interpreting the act, it would be well for the courts to have before them the reports—both majority and minority—of the members of the Judiciary Committee on the exact text of the bill and what it is intended to include and what it is intended to exclude.

This is complicated and far-reaching legislation. It will affect the lives and fortunes of millions of Americans. It will be litigated in the courts for years to come. We in the Senate would be failing in our duty if we permitted such legislation to be litigated without the benefit of hearings before the Senate Judiciary Committee and reports on the bill by members of that committee.

Some will argue that much valuable time will be lost because when the bill is returned to the Senate it will still be necessary for the majority leader to motion the bill up, that we shall then be back where we were on March 9 when the majority leader made his motion, and that there will be extended debate on the motion to take up rather than on the bill itself.

I would hope that this will not happen. The chances are that it will not happen, for even those who are for delaying a final vote on a civil rights bill through extended debate must be aware of the temper of the Senate and realize that a successful cloture vote under rule XXII would be much easier to achieve on a motion to take up rather than on the bill itself, especially since we have already had considerable debate on making the civil rights bill the pending business.

They must also realize that success in obtaining cloture on the motion to take up would serve as a precedent, since it would be the first time cloture would have been voted on a civil rights bill. It would then make easier the obtaining of cloture on the bill itself, and all amendments to it, at a later stage in the debate.

I reject also the argument, founded on an assumption of irresponsibility on the part of the Senate Judiciary Committee, which points to the hearings held by the Judiciary Committee on the original Presidential proposal on civil rights and to the fact that only one witness—the Attorney General—was heard, and that he was interrogated at length by only one member of the Senate Judiciary Committee. Here, too, I am confident that the members of the Judiciary Committee will recognize the temper of the Senate and the fact that we have a right to expect that if this measure is referred to the Judiciary Committee, the majority of that committee will so regulate its affairs as to conduct full hearings on every facet of the bill and will hear witnesses on all aspects of the bill.

Mr. President, I ask unanimous consent that an editorial from the Washington Star of March 19, 1964, urging support of the Morse motion, may be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. (See exhibit 1.)

Mr. GRUENING. I commend the senior Senator from Oregon [Mr. MORSE], for the brilliant fight he is making to refer the civil rights bill to the Senate Judiciary Committee for 10 days. I shall vote in favor of his motion and against any motion to table it.

EXHIBIT 1

[From the Washington (D.C.) Evening Star, Mar. 19, 1964]

STITCH IN TIME

This is the 10th consecutive day of Senate debate on a motion to "take up" the civil rights bill. There will be more debate tomorrow and day after tomorrow.

There are some who see this delay in beginning debate on the bill itself as another demonstration of intransigent southern op-

position. No such demonstration was necessary. The more important demonstration is the error of the leadership's decision to bypass the legislative process of referring the bill to committee. Had the bill been referred to the Senate Judiciary Committee, with instructions that it be reported back within 10 days, as urgently advocated by one of its supporters, Senator MORSE of Oregon, it could now have been before the Senate with a committee report and perhaps clarifying amendments.

Senator MORSE pointed out some legal complications that may result from failure to send the bill to committee. As important as these may be, the chief damage of this failure is to lend more credence to the impression that the bill is to be "railroaded" through the Senate, an impression created by its legislative history in the House. If, as Senator KEATING believes, the opposition mail he is receiving from New York is based on misinformation about what the bill contains, no effort should be spared to make its content clear and to emphasize the degree of deliberation behind it.

When the bill finally is taken up by the Senate, Senator MORSE plans to renew his effort to have it referred to committee. It should be referred, even if it means a further delay added to one that might have been avoided in the first place.

Mr. DIRKSEN. Mr. President, I have listened carefully to most of the discussion this afternoon on the motion of the Senator from Oregon to send the bill to the Judiciary Committee for a limited period of time, under a mandate to report it to the Senate.

The discussion leads me to believe that we have put all the emphasis on the clock and on the calendar, and that there must be haste and acceleration in dealing with the matter now before us.

Mr. President, if this is as important as the zealots would have us believe, that is all the more reason why the Senate should be most careful about a bill of this kind.

I recall an incident when Phillips Brooks, the great preacher, was pacing up and down in his study one morning, and a neighbor dropped in to see him and said, "Why, Dr. Brooks, what is the matter with you?" He replied, "I am in a hurry and God is not."

There seems to be great haste and hurry, but when we stop to think of the importance of this measure and what its impact on the country would be, we can afford to take some time and be careful in our scrutiny.

As I think about what the bill would do, I think about an article in the Readers' Digest written some years ago by a distingiushed Member of this body, Senator O'Mahoney, of Wyoming.

I went out to Wyoming to make a speech to defeat him for office, despite the fact that we were the best of friends and that we served together on the Judiciary Committee.

On my way out from Washington to Omaha, Nebr., I puzzled before I found the text for my speech, and then, by one of those curious quirks of memory and recollection, it popped out of my mind; and that article came back to me. I thought of the first line, which had seared itself indelibly in my mind. What the distinguished western Senator had written that day was this:

They are remaking America, and you won't like it.

The bill would remake the social pattern of this country. Let no one be fooled on that score. Its impact would be profound. That is a further reason why it deserves the most careful deliberations and the most careful scrutiny on the part of the U.S. Senate.

I heard the discussion about the Judiciary Committee, and what a traditional burial ground it is for civil rights legislation. I ought to know a little about it. I am the oldest Republican on the committee, in point of service. For aught I know I may be the oldest in point of age. In some quarters it is not popular to say this, but I have never seen the time when a Member went to the distinguished chairman of that committee with a suggestion or a request and did not receive attentive consideration to his request. That is always happening. By volume, that committee produces more legislation, or at least it has in other years, than any other five committees of the Senate combined. It expedites its work. It has an excellent and competent professional staff. I could go to JIM EASTLAND, if the motion should prevail, and say, "Let us divide the time between open hearings and markup in the committee to consider amendments," and my request would receive sympathetic consideration. He has never failed in that respect. My notion about the motion is that we devote some of the time, to calling a few selected witnesses, and take a look at some of the things that are bothersome in the pending bill. The rest of the time we could use to sit down behind closed doors to consider the markup and the amendments that are necessary.

It has been said, "Look what the House did." Yes, I know. I know that 155 amendments were introduced in the House. On the floor 34 amendments were written in. But we should be in a hurry. We should plow the furrow with double speed, and not take our time. One of the amendments that was written into the bill on the floor of the House—and Senators will find it on page 35 of the bill—provides:

(f) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

We discriminate if we take account of the color of his face, but we do not discriminate if there is something in his cranium that we do not like. If we say to him, "Do you believe in God?" and he says, "No," he is out; he does not have to be hired. I thought that under the Bill of Rights perhaps unbelief or disbelief was a creed unto itself. That amendment got into the bill on the floor of the House.

We could do no better than to take the bill, title by title, section by section, and examine it carefully. I have noted in the little memorandum which I have had placed on the desk of every Senator some of the things that have occurred to me. There are a good many.

It is said the bill went sailing through the House by a vote of 290 to 130. Is that not enough for Senators? What more consideration do they want?

Let me tell Senators that the one vote in my lifetime that I would undo if I could occurred when, with a hoot and a holler and gusto we rushed through the provision during the Truman administration to put striking railroad workers into the Army within 48 hours if they did not go back to work. If it had not been for Bob Taft in the Senate, that provision might have been put into the law of the land. That is one vote that I would undo. However, I was caught up in the vortex of emotionalism, like everyone else at that time. We were in conflict, and something had to be done.

We said, "All right; if they do not go back to work, we will put them in the Army; we will put them into uniform."

That is the only time that happened within my experience as a legislator.

Therefore, we had better take a good look at this bill.

There has been great discussion about the intent of Congress. The courts will take a look at the language in the bill, and out of it they will finally come to a conclusion as to what was the intent. I believe that one of the most scholarly legal articles I have ever read on the subject of intent of Congress appeared in the Harvard Law School Journal. Whoever wrote it did a very good job, because the very first line in that article was:

The intent of Congress is a fiction.

The second sentence was:

The intent of Congress is what the courts say it is.

Where do the courts go? They go to the language in the bill, and the courts go to the reports.

What I am concerned about in sending the bill to the Judiciary Committee is that we could sit around the table for a couple of days or so and go through the language, with everyone suggesting his amendment—that does not take too much time—and then bring the bill back to the Senate.

Senators might say, "Why not do it on the floor?" We have all had the frustrating and disheartening experience of addressing the distinguished Presiding Officer and saying, "Mr. President, I offer an amendment." To the author of the amendment it is world shaking, it is momentous, it is almost cataclysmic. Then we look around, and we see perhaps four or five Senators in the Chamber. Into the amendment the sponsor has dumped his heart, and he has done research work on it. Then the Senator addresses the Chair with all the eloquence he can command. He may insist on a yea-and-nay vote. If there is a sufficient second, a yea-and-nay vote is ordered.

Then Senators come into the Chamber through various doors. The question is asked, "How should I vote?" I make no exception for my own party. What do we know about the substance of the amendment? It is not there.

The distinguished chairman mentioned, earlier, that in one rights bill 20 amendments were added, because we could labor at it rather concertedly and do a concentrated job. We may differ as

to the amendments, but at least they receive a collective consideration, with 15 lawyers sitting around the table. A Senator cannot be a member of the Judiciary Committee if he is not an attorney and a member of the bar.

At least, they will look at every word and decide what will have to be done.

I have gone through the bill after a fashion to see what has occurred. The language of title I is:

The Attorney General or any defendant in the proceeding may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case.

That is done in antitrust suits at times. But with the multiplicity of suits which are bound to be brought, tell me how, on the request of the defendant there can be a three-judge court, and how we can expect the judiciary to discharge its functions and keep its dockets from going through the ceiling.

The purpose of this section appears to provide for an acceleration of the appeal procedure. I have some grave doubts as to the ultimate wisdom of bypassing traditional legal procedures with respect to cases brought under this section. From the reports of the Civil Rights Commission it appears that the number of actions brought under this title will be considerable and I am concerned about the impact of the already heavy caseload on our Federal courts of litigation brought under this section.

Each case requires a panel of three judges for its disposition. In all fairness, decent consideration must also be given to the litigants in other fields, many of whom are required by reason of existing busy court calendars to wait, years in some instances, for compensation for personal injuries.

We can make the request, and it may be all right. But I want to be pretty sure that when we are through, there can be some delimiting language so that the courts will not be congested to the point where they will be frustrated and distressed. There are other items in title I that should receive study, but I want to vote for a bill.

I have told the people who come to me by the scores every day—my office has been filled constantly with preachers, rabbis, priests, social workers, settlement workers—"The best you can do is to go and pray for me, and I will also pray for myself." Often they do not quite know what the bill provides. Then I have to be a little frustrated, and when the moral argument is advanced, I say: "I am a legislator. I am thinking about today, and I am thinking about tomorrow."

Perchance the answer might be: "Unless you hurry, unless you do something without delay, there will be violence; there will be demonstrations. The case will be taken to the streets."

A man is not fit to walk into this Chamber as a U.S. Senator if he is to be bilked and influenced by that kind of an argument to deter him from his duties under the laws and the Constitution.

The reason why the capital is on the banks of the Potomac, under the direction and control of Congress, is that when the Revolutionary War was over and the capital was elsewhere, the soldiers came. They wanted grants of land. They wanted pay. They began to demonstrate and to frighten the legislators. The Contsitution makers in their wisdom said:

There must be an area under the control of the Federal Government—

Meaning Congress—

where Congress can assert its power and be free from molestations and harangue and pressure in order to carry out its legislative duties under the Constitution.

Do we pay heed to intimidation and to pressure when we have a job to do? If we do, then I say we fail dismally in our responsibilities as Senators.

TITLE II

I have been and still am studying each and every aspect of title II of this bill and I will have a substitute for this title which I will present later.

TITLE III

This title provides a basis for law suits by the Attorney General to remedy denial of "access to or full and complete utilization of any public facility" operated by any State or subdivision thereof. I apprehend some very real and practical problems with respect to the determination of "full and complete utilization of any public facility" and I feel the public interest would be better served for example by substituting words such as equal utilization of any public facilities.

Complaints under this section, I think, ought to be filed by the complainant who should set out under oath the particulars of the alleged violation so that any one defending an action brought against him under this title would be informed of the nature of the charge against him and the identity of his accuser.

Section 302 of this title is not limited to public facilities but authorizes the Attorney General for or in the name of the United States to intervene in an action "commenced in any court of the United States seeking relief from the denial of equal protection of laws on account of race, color, religion, or national origin." It seems to me that the parties to the suit should have a chance to be heard with respect to such intervention before it takes place.

Title III deals with facilities and accommodations in public installations, such as parks. There is language that reads: "Full and complete utilization of any public facility." How would the Court interpret that? Suppose there were a demonstration. What about other people who are not under the protection of the legislation? Would that language be allowed to remain, or should we say: "To equal utilization of public parks, and playgrounds, and swimming pools"? It is said that that is a little item. Wait until it raises its ugly head in some public institution. Then it will be discovered that it is not such an inconsequential thing after all.

I shall continue with my analysis, but before I do, I wish Senators would give heed to me for a moment, for Senators may have missed an article to which I am about to advert. It is the best I have seen on this subject. It appeared in the Wall Street Journal on Thursday, November 7, 1963. It is entitled, "The Anatomy of a Compromise." The subhead is, "House Civil Rights Bungling Will Delay Final Action."

I do not know Joseph W. Sullivan, the author, but he must have been quite sure of his ground. This is one of the most intriguing articles I have seen in a long time, and it bears reading into the RECORD:

The Kennedy administration's civil rights "victory" in the House last week was, at best, a salvage job, slung together in the wake of persistent fumbling and miscalculation by both the administration and its emissaries in Congress.

While the President lauded the bipartisan House Judiciary Committee bill as "comprehensive and fair," the probability is that it emerged far too late to sustain his prime objective: Enactment of civil rights legislation this year.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article from the Wall Street Journal of November 7, 1963, by Joseph W. Sullivan.

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

ANATOMY OF A COMPROMISE—HOUSE CIVIL RIGHTS BUNGLING WILL DELAY FINAL ACTION

(By Joseph W. Sullivan)

WASHINGTON.—The Kennedy administration's civil rights "victory" in the House last week was, at best, a salvage job, slung together in the wake of persistent fumbling and miscalculation by both the administration and its emissaries in Congress.

While the President lauded the bipartisan House Judiciary Committee bill as "comprehensive and fair," the probability is that it emerged far too late to sustain his prime objective: Enactment of civil rights legislation this year. Senate Democratic leaders are now letting it be known they don't even plan to take up the bill at this session of Congress, putting off the divisive struggle with the party's Southerners at least until the turn of the year.

Moreover, the price the administration had to pay for the hastily conceived compromise was high. It involved acceptance of at least four provisions the administration has no yen for. Chief among them: Authority for the Justice Department to crack a Federal whip on local police and Southern State courts if they provide Negroes something less than the "equal protection of the laws." Attorney General Robert Kennedy has suggested that such a provision would require creation of a Federal police force.

More important, by adding other unwanted embellishments to the administration's bill, the compromise raises the prospect that the administration will find itself in the embarrassing position of having to sacrifice these sterner measures in the Senate in full view of Negro leaders. The two-thirds majority required to quash a Southern filibuster just isn't there for the fair employment practices code added to the House bill. The proposed ban on discrimination by businesses serving the public remains in grave trouble with Republican leader DIRKSEN, of Illinois, still opposing it.

VICTORY MAY BE FLEETING

The real victors in the House struggle, though their triumph may be fleeting, were the Negro pressure groups and their ardent band of liberal House supporters. It was they who maintained the drumfire for more sweeping sanctions than the administration

would countenance and who eventually had their way. Despite the veil of indictments directed at the compromise bill by numerous Negro leaders, their legislative strategists are well satisfied with its terms.

Moreover, the backers of the present bill are less disturbed than the administration over the prolonged legislative timetable. "The encounter in committee was essential; opposing forces had to meet to prove the strength of our position," ventures a young lawyer for the Leadership Conference on Civil Rights, made up of about 50 Negro rights groups.

All sides agree, however, that the President could have brought about a compromise much sooner than he did, and on milder terms far more acceptable both to the White House and House Republican leaders. By mid-August, Justice Department envoys had reached an accord with key Republicans on the outlines of such a bill. "If the President had moved in with his big guns then, one bang is all it would have taken," asserts a Republican House Member. "The Republicans were ready to buy it, and the Democrats weren't yet committed to the stronger bill." But the President did not move in, and the militant Negro groups soon gained the upper hand.

How they did it is a story told largely in negative terms. Its main ingredient is administration bungling, first in snubbing House Republicans and then in mistakenly placing too much reliance on House Democratic leaders, particularly Chairman CELLER, Democrat, of New York, of the Judiciary Committee.

From the time the administration put its set of civil rights proposals before Congress, in late June, its principal task was to corral Republican support. This required an attentive, bipartisan approach, bipartisan enough, at least, to aline 60 or more (of 177) GOP House Members and 25 of 35 Republican Senators with Northern Democrats in a striking force big enough to crack Southern opposition. Because the Senate Judiciary Committee under Mississippi's Senator EASTLAND never would report out a civil rights bill, the first order of business was the House and its Judiciary Committee.

In his very first appearance before the House panel, however, Attorney General Robert Kennedy pinched a Republican raw nerve. Had the Justice Department studied the numerous GOP civil rights bills introduced in Congress prior to the administration's bill, Mr. Kennedy was asked. No, came back the curt reply, there had been no time for that. Since most Republican's take pride in their party's past attention to the cause of Negro betterment, the pain was deep—and needless.

Attempting to heal the wound, administration forces dispatched an older, less abrasive envoy, Deputy Attorney General Nicholas Katzenbach. He sought out Representative MCCULLOCH, of Ohio, who as senior GOP member of the Judiciary Committee has come to speak for the party leadership on civil rights. Together they set about rewriting the administration bill.

But Mr. MCCULLOCH had his price. He couldn't see "subjecting Sam's shoe store on the corner to a suit by the Attorney General"; so retail stores were dropped from the proposed "public accommodations" provision, and it was confined largely to hotels, motels, restaurants, and theaters. The administration's broadly worded plan for withholding Federal funds from segregationist State and local governments was tightened to apply only to Federal programs in which the courts found racial discrimination. By mid-August, the two men had agreed on the major components of a "bipartisan" civil rights bill.

But if the Ohio lawmaker had reason to trust Mr. Katzenbach personally, he also had ample reason to suspect the Kennedy administration as a whole. At the same time the Deputy Attorney General was establishing rapport with House Republicans, another Kennedy man, White House legislative aid Richard Donahue, was castigating them before Negro leadership groups. Apparently hoping to convince Negro leaders of the futility of pressing for more militant measures, Mr. Donahue warned that the Republicans were intent upon watering down the administration bill. This infuriated Mr. MCCULLOCH.

EFFORTS BREAK DOWN

That's when the administration effort broke down. Mr. MCCULLOCH and Mr. Katzenbach found Mr. CELLER receptive to the terms of their accord and, according to one participant at their huddle, the chairman agreed to propose it to other Democratic panel members. Nonetheless, these members say, he never did. Just why remains unclear.

While Republican members of the Judiciary panel and administration strategists discussed rights legislation aboard Robert Kennedy's yacht the *Patrick J*, Democratic members mostly stayed home. If Democratic Members wanted to discuss an alternate provision or get a fresh idea, it wasn't a Justice Department envoy they found available but a young lawyer from the Negro Leadership Conference on Civil Rights.

Thus, the combination of Mr. MCCULLOCH'S firmness and Mr. CELLER'S lack of it, compounded by the administration's oversight, created the void that permitted the avid advocates of stronger legislation to move in. They were largely amateurs—Negro leaders from back home, student delegations, and ministers beckoned by the National Council of Churches. But there was professional muscle behind the scenes, too. The AFL–CIO eagerly pushed for a fair employment practices code to end its embarrassment and frustration in dealing with racist union locals. And more than a few House Members were put on notice there would be Negro protest demonstrations back home if they voted "wrong."

Effective leadership on the Judiciary subcommittee fell to Representative KASTENMEIER, a bashful, boyish lawmaker from Waterville, Wis., but a thoroughbred liberal and a director of the Americans for Democratic Action. Most of the strengthening provisions added to the administration bill were his, or backed by him. Result: The bill that emerged was far too sweeping to suit either the administration or Republican leaders.

Among other things, it extended the public accommodations ban to all businesses operating under "State or local license, permission or authority." That meant just about everybody, including, presumably, law firms, clinics, beauty parlors, even private schools. Also riveted in were the fair employment practices commission and the new suit-filing authority for the Attorney General.

TOO HOT TO HANDLE

When the bill reached the full Judiciary Committee it was far too hot to handle. Mr. MCCULLOCH privately called it a "pail of garbage" and said somebody else could take responsibility for cleaning it up. Although Mr. CELLER had now decided it was "drastic," big city Northern Democrats weren't about to blemish their civil rights voting records by dismantling the bill piecemeal. Even the Attorney General's appeal for moderation failed to bring results.

Enter the President. He summoned Democratic committee members to the White House, but they refused to back down unless the Republican high command agreed to a tough face-saving substitute. A call from Mr. Kennedy to House GOP leader HALLECK brought a loose commitment: If the administration would adopt some of the Republican civil rights bills the President's brother hadn't found time to read, then the GOP leadership would tender its support.

Secret weekend sessions produced the compromise. Ironically, the nub of the agreement was the public accommodations ban Mr. MCCULLOCH and Mr. Katzenbach had decided upon months before. But the tactical mistakes during the intervening weeks cost the administration plenty. Besides the Attorney General's unwanted new suit-filing authority and the fair employment provision, to placate liberals the measure also provides for substituting special three-judge panels for obdurate Deep South Federal district judges to rule on charges of discrimination against Negro voters. The Justice Department has attacked a variant of this provision as "judge shopping," but Negro groups suspect the administration is not eager to reveal that some of the offensive judges are Kennedy appointees.

While the administration now can look forward to House passage of a civil rights bill, the legislative fumbling that produced the compromise can hardly be pointed to with pride. More to the point, it may yet cause the administration considerable embarrassment when the civil rights skirmishing begins in the Senate.

Mr. DIRKSEN. Mr. Sullivan continues:

More important, by adding other unwanted embellishments to the administration's bill, the compromise raises the prospect that the administration will find itself in the embarrassing position of having to sacrifice these sterner measures in the Senate in full view of Negro leaders.

The article continues, but first let me comment on one or two choice items:

From the time the administration put its set of civil rights proposals before Congress, in late June, its principal task was to corral Republican support. This required an attentive, bipartisan approach, bipartisan enough, at least, to aline 60 or more (of 177) GOP House Members and 25 of 35 Republican Senators with Northern Democrats in a striking force big enough to crack Southern opposition. Because the Senate Judiciary Committee under Mississippi's Senator EASTLAND never would report out a civil rights bill, the first order of business was the House and its Judiciary Committee.

Let me explain about the Judiciary Committee. I am a member of the committee. Nine of the fifteen members come from States that have antidiscrimination legislation on the books. If those nine members should be so recreant and remiss in their duty as to pay no attention to what their State legislatures have done, indeed I would give up.

I am confident that the amiable and agreeable chairman of the committee [Mr. EASTLAND], who has always entertained every request and is always ready for an understanding, could solve the problem under the amendment that is now on the desk.

Can anyone imagine 9 out of 15 Senators, who work in the shadow and in connection with the enforcement of antidiscrimination legislation in their own States, not taking action on the bill? If that does not answer all the argument about the Judiciary Committee being a burial ground, then I have no answer.

In all fairness I must say for the chairman of the committee that after nine appearances by the Attorney General—and I was present at every one of them—that bill was sent to the subcommittee at the request of my good friend, the Senator from New York [Mr. KEATING].

If I am in error about that, the chairman can rise and can scold me for it, and in that event I will make public confession of error. But I am quite sure that is what happened in the Judiciary Committee.

Mr. President, I suppose I was somewhat remiss in my responsibility; I could have said to the chairman, "SAM ERVIN has had too much time already, and I think it is up to us to divide the time a little, so as to let us get our teeth into the argument, too."

But what happened? Word went out that the House was to act first. So the interest on this side began to diminish a little—and understandably so. But even in the subcommittee the hearings could have been continued, if there had been some insistence that that be done.

While the compromise was being worked out in the House, the distinguished Representative from Ohio [Mr. MCCULLOCH], had this to say about what they had tinkered up: He said he was not going to be in favor of subjecting Sam's Shoe Store, on the corner, to a suit by the Attorney General. But when next I saw the third version of the bill, the stump speech—three or four pages of it, dealing with the mobility of people and the difficulty of moving people, and the difficulties in their obtaining the right kind of accommodations in various southern cities—had been deleted.

It was completely deleted from the bill before the bill was sent up here by the late and beloved President Kennedy. So it is clear that at that time the bill was still in a process of transformation.

At that point, this is what Representative SULLIVAN said:

> When the bill reached the full Judiciary Committee, it was far too hot to handle. Mr. MCCULLOCH privately called it "a pail of garbage."

I do not say that; those words were used by a distinguished Republican Congressman from Ohio—and he is a distinguished Member. He said the bill was "a pail of garbage"; and he said somebody else should take the responsibility for cleaning it up.

Then came the next session—in the Judiciary Committee? No, on the yacht *Patrick J.*, and at the White House, and elsewhere.

Despite all the arguments, it is clear that the bill that is now before us did not receive even a 1-day hearing before the House Judiciary Committee, because the bill now before us is the compromise bill; and I am trying to acquaint Senators with the anatomy of the compromise bill.

Should we not have a chance to examine the compromise bill and to offer some amendments—and also to hold down the testimony, if necessary? Certainly there is virtue in that course. Once an amendment is placed in the bill in the committee, it becomes the responsibility of any Member who objects to the amendment to proceed, on the floor of the Senate, to attempt to have the Senate remove the amendment from the bill. But after an amendment is placed in the bill in the committee, the committee will defend the amendment; and then it will be discovered that it is more difficult to remove an amendment from the bill on the floor of the Senate, after the committee has approved the amendment, than to place the amendment in the bill on the floor of the Senate. In other words, as a lawyer would say, that situation involves the burden of proof; and the onus would pass from one side to the other. Frankly, in that event, we would be in better shape.

I pointed out the fact that in the committee the bill would receive a far greater degree of attention than it would as the bill stands before the Senate today.

TITLE IV

I now turn to title IV—school desegregation. Again I find difficulty in reconciling the language of the bill with what I assume the intent to be. Let me illustrate. I had understood that this title was not applicable to private schools in the grade and secondary level. Look at the definition on page 14, line 3:

> (c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary level, operated by a State, subdivision of a State, or governmental agency—

Does this language encompass private schools through the 12th grade? I find it difficult to reach any other construction, although I am not certain that was the intent. Would the use of Federal funds and property by a private military academy in its ROTC program bring it within the broad language in lines 9 and 10, on page 14?

Consider the training institutes, in-service training, and employment of specialists to advise in problems incident to desegregation, all provided for in this title. Who would determine the cost and extent of such programs? The Commissioner. But what is the criteria? Where are the guidelines? I find none. Neither is there any estimate of the cost.

Individuals who attended such institutes could be paid stipends for their attendance, in amounts determined by the Commissioner, including allowance for travel. It is possible that this authority should be further defined. I should not like to see a repetition of the present practice of establishing an institute in one of the more popular summer campus towns, and then transporting teachers, and their dependents from other campus towns, for what one teacher has called a delightful vacation, all paid for by the U.S. taxpayers.

What must the complaint, to be filed with the Attorney General, set forth in the way of particulars? I find only a general allegation as a requirement. Is not the school board or other agency entitled to some opportunity to correct the situation complained of, before the Attorney General institutes suit? I would expect so. Certainly needless litigation would be avoided. The complaint could go far toward relieving this potential if it were under oath and if it contained a detailed description of the act or acts complained of. I stress the point that emphasis has been placed on the fact that in various parts of the bill we find—and this naked allegation has been made—that no oath is called for and no bill of particulars would be provided when a school board or an employer or anyone else was confronted with an allegation that a violation had occurred. Is that the kind of procedure the Senate favors—to permit someone to scrawl such an allegation in a letter, but make no provision for a bill of particulars or for an opportunity to refute or to rebut? It seems to me that would be anything but a safe way to proceed in a free, democratic government.

One further matter is unclear: Could the Attorney General, through the exercise of the authority conferred upon him by this title, achieve desegregation "through the assignment of students to public schools in order to overcome racial imbalance"? Notwithstanding the definition that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance," I find no such limitation upon the authority of the Attorney General to take such action in order to "materially further the public policy of the United States favoring the orderly achievement of desegregation in public education."

And should not consideration also be given to the idea recently developed by the columnist Joseph Alsop, when he wrote in a recent column:

> Besides less of the old discrimination, in truth, a quite new kind of discrimination is also needed. Invest twice as much per pupil in schools in deprived neighborhoods. Discriminate in favor of the slums and then the slum school will become a social lever and the lever will pry open the ghetto doors in the end. It is right to ask for justice but it is also necessary to ask for useful justice.

TITLE V

Now that the Civil Rights Commission is achieving somewhat the permanent "temporary" status of the wartime buildings along the Mall and the Reflecting Pool, some built as far back as World War I, and only now being slowly removed, and now that we are adding more duties and functions to the activities of the Commission, should not that Commission be subject to the same rules of procedure which have been carefully developed for all of the other departments and agencies of this Federal Government, excluding only the military or naval functions, courts-martial, and the like? The Administrative Procedure Act is not perfect; and I have sponsored and cosponsored proposed legislation to improve it. But it does set out the basic essentials of fair proceedings.

It provides for adequate notice of a hearing, instead of an announcement "in an opening statement" of the subject of the hearing.

It requires that the rules of Government agencies and commissions be published in the Federal Register.

It provides more completely for the right to counsel, instead of the limited right to counsel "for the purpose of advising witnesses concerning their constitutional rights."

It provides for the conduct of hearings in which a record is to be made and the decision is to be based on the record.

Certainly we should consider carefully whether the provisions and the safe-

guards of the Administrative Procedure Act should not be made clearly applicable to the proceedings of the Civil Rights Commission.

TITLE VI

Problems exist, as well, with respect to the meaning of language used in title VI relating to nondiscrimination in federally assisted programs. Does the phrase "notwithstanding any inconsistent provision of any law" deny possible defenses under existing law? It is always a broad phrase—"notwithstanding any inconsistent provision of any other law." What shall we be doing if we adopt that phrase?

Then, too, does this title give the Federal Government the power to invalidate existing contracts if it determines to discontinue assistance? What would be the situation if the contracts were entered into without any thought that such a provision would be applicable to them?

The difficulties of drafting legislation on the floor, instead of in committee where careful attention can be given to details and an explanation of language can be provided by way of a carefully thought-out committee report, are indicated also by the addition by the House in section 602, of the phrase "other than a contract of insurance or guaranty." Just how far does that extend? And does it extend far enough? We really know very little about such a significant phrase. It may be as big as the whole outdoors, or it may be as small as the point of a pencil, in relation to the vast Government assistance programs.

I do not know whether a so-called economic grant for a housing project would properly be called a guaranty or insurance. In my book, it is a grant. If a person was unable to pay the usual rent, he would be able to qualify for occupancy of one of the low-cost housing units; and it is proposed that the Government help him and his family by providing assistance from the Federal Treasury so as to enable him to pay the economic rent. It is obvious that the total cost would run into millions and millions of dollars. The bill does not say whether that would be insurance. In my view, it would not be. Neither does the bill say it would be a guaranty. I believe it would not be. Instead, it would be an undertaking, by contract, of the Federal Government.

If, by means of the bill, the validity of contracts were destroyed and if their sanctity were ignored, after they had been signed by responsible officials, then I say frankly, we would be in a sad state. So far as I can determine, very little attention has been paid to that point.

Then, too, in section 603 we have an apparent intention to provide for judicial review of agency action. It states that "any person aggrieved" may obtain judicial review in accordance with section 10 of the Administrative Procedure Act. I assume that what is referred to are the procedures set forth in some detail in sections 10 (b), (c), (d), and (e) of that act, because the provision in section 10(a) could well be interpreted to limit the right of review of "persons aggrieved" to the particular persons covered by section 10(a). So we should be more craftsmenlike in our reference to section 10 of the Administrative Procedure Act.

Again, this is the type of careful work which can be best done in committee, and should be done there.

TITLE VII

What records are employers required to keep by title VII? Employers voluntarily participating in the program of the Presidents' Commission on Equal Opportunity are apprised in detail of the records which they must keep; and the records are, I believe, more comprehensive than those that would be required by title VII. Are we to superimpose another set of records on the employer, in addition to a third set that he may be keeping for a State FEPC?

What of the conflict between State and Federal record requirements? Illinois prohibits any reference to color or religion in employers' records. Title VII would require this information to be kept. Are we now to force an employer to violate a State law in order to comply with a Federal statute, each of which has the same purpose?

Every employer is required to make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, and to preserve such records for such periods as the Commission shall require.

In the wage and hour laws we clearly set forth the records to be kept and the prescribed periods for which they should be preserved. Why not do the same in this bill? Is there any compelling reason why this cannot be done? I know of no such restriction on the Senate or on the Judiciary Committee, where in fact it should be done.

Who would determine what were essential records and what were nonessential records? The Commission would be without adequate statutory direction. An employer might well risk severe penalties if he destroyed records relevant to the determination of whether unlawful employment practices had been or were being committed. Who would determine what was relevant? Certainly the employer would not do so, unless he was willing to risk prosecution.

What protection is afforded to an employer from fishing expeditions by investigators, in their zeal to enforce title VII? Senators should examine section 709(a), on page 44:

> The Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question.

Could there be a greater grant of investigatory authority? I can recall none. Should the Commission be permitted to copy evidence? Should an employer be permitted to request a detailed list of the records to be examined by the Commission? Should the employer be permitted to go before a competent court in order to determine what records relate to any matter under investigation or in question? Or are we to allow the Commission carte blanche authority in its examination, in its copying of evidence, and in its inquiry? Should this examination be limited to specified documents? How broad could such inquiry be? It would be limited only by determination of the Commission. No private rights would remain.

On page 41, section 707(d) provides for relieving the Commission of any obligation to bring a civil action when the Commission has determined that the bringing of such action would not serve the public interest. I feel that the public interest should be more clearly defined for the purposes of this bill, and that the language should be changed to read "which would serve the interest of this title."

Section 708 of this title vests in this Commission the authority to determine the effectiveness of State or local action in the field of fair employment. I do not believe such language would be appropriate. The people of the State should have the right to determine the effectiveness of their agencies, consistent with the expressed purpose of this section.

Now let us consider the case of the operator of an establishment who has been determined to be in violation of one or another of the provisions of title VII, and who has been so ungracious as to refuse the gentle, persuasive efforts of the Commission, or perhaps the not-too-gentle armtwisting of the Commission, toward conciliation.

The bill provides that within 90 days the Commission "shall"—and I emphasize the mandatory nature of the verb—bring a civil action to prevent the respondent from engaging in such unlawful employment practice, unless by affirmative vote the Commission shall determine that the bringing of such an action would not serve the public interest. So he would find himself in the Federal district court.

If he operated in a State which had a fair employment practice statute, such as my State of Illinois does, he would be likely to have been the respondent in an administrative proceeding by the State commission, and the subject of an order requiring him to cease and desist from the unemployment practice complained of, and to take such further affirmative or other actions as would eliminate the effect of the practice complained of. And, if he did not comply, the commission "shall"—that is the word used—commence an action in the name of the people of the State of Illinois, for the issuance of an order directing such person to comply with the commission's order. For violation of that order, he could be punished, as in the case of civil contempt.

What a layering upon layer of enforcement. What if the court orders differed in their terms or requirements? There would be no assurance that they would be identical. Should we have the Federal forces of justice pull on the one arm, and the State forces of justice tug on the other? Should we draw and quarter the victim?

If he had violated a valid law, he would have to be brought into line; but

should not we give consideration to the overlapping of jurisdiction and multiple suits against the same defendant arising out of the same discrimination? I know there is a provision, as I have mentioned, for the Federal agency, at its discretion, to enter into agreements with a State or local agency to refrain from bringing a civil action in classes of cases to which they can agree. But if that agreement did not come to pass, where would we be under the provisions of overlapping Federal and State statutes?

Who would be an employer within the meaning of title VII? I am not sure, for the bill is indefinite, and there have not been committee hearings, and we do not have a committee report. Could an employer readily ascertain from the language of the bill whether he was included? Employers with a large number of employees would have no difficulty, but what of the small businessman?

Most statutes, in defining an employer in relation to the number of employees he has, are rather specific. Contrast the language on page 28 of this bill:

> The term "employer" means a person engaged in an industry affecting commerce who has 25 or more employees.

With the language from the Illinois Fair Employment Practice Act:

> (d) "Employer" includes and means all persons, including any labor organization, labor unions, or labor association employing more than 100 persons within the State within each of 20 or more calendar weeks, within either the current or preceding calendar year prior to January 1, 1963.

Let us consider the operation of a medium-sized orchard. For 11½ months of the year the employer would have no employees, but during 2 weeks of the year he would employ 100 pickers. Would he be subjected to the provisions of this title? What of summer or winter resort operations with employment for only 2 or 3 months, at the most? Would they be covered by this title? Certainly we have no clear statement by which an employer could be guided. Is this the way to legislate?

If an employer obtained his employees from a union hiring hall, through the operation of his labor contract, would he in fact be the true employer, from the standpoint of discrimination because of race, color, religion, or national origin if he exercised no choice in their selection? If the hiring hall sent only white males would the employer be guilty of discrimination within the meaning of this title? If not, then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

Would the same situation prevail in respect to promotions, when that management function was governed by a labor contract calling for promotions on the basis of seniority? What of dismissals? Normally, labor contracts call for "last hired, first fired." If the last hired were Negroes, would the employer be discriminating, or would he be protected by his contract requiring that they be first fired and if the remaining employees were white? If an employer was directed to abolish his employment list because of discrimination, what would happen to seniority? Would an unfair labor practice arise as a result of the operation of this discrimination provision in title VII?

These questions cannot be answered here; they properly belong before the committee. Witnesses should be called there to clarify these issues; testimony should be taken, views obtained, and a record made.

Now I turn to discrimination on account of sex. Frankly, I always like to discriminate in favor of the fairer sex. I hope the might of the Federal Government will not enjoin me from such discrimination.

But let us look further at this provision. Historically, discrimination because of sex has been a protective discrimination, because we do not believe that women should do heavy manual labor of the sort which falls to the lot of some men. This is not true, of course, in countries where women work on the roads and in the mines. Then, too, we discriminate in favor of women, because of their nimble abilities in many fields, such as the assembly of radios and delicate instruments and machines.

When the discrimination is not in the best interest of the fairer sex, we have approached the problem by specific prohibitions, such as the requirement of equal pay for women doing the same work as men.

I suggest, therefore, that we look at this problem with compassion and care. We do not want women to be discriminated against; but we do not want, through inadvertence, to remove the protection which is appropriate. In the Department of Labor there is the Women's Bureau; and I offer for consideration the thought that since discrimination on account of sex is a vastly different problem than discrimination because of race, color, or national origin, we should give further attention to the best manner to deal with that problem.

Section 704 provides that it shall be unlawful employment practices for an employer to fail or refuse to hire any individual because of such individuals national origin. This, as well as other restrictions on employers under this title, would tend to create difficulties for the defense contractors, for example, who are required, by reason of security clearance regulations, to practice what amounts to discrimination, because such discrimination in security matters is both vital and necessary.

Section 704 describes the employment practices which would be made unlawful by the bill. Subsection (e) of that section provides certain exceptions; namely, where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

Or where a religious educational institution wishes to hire only employees of its particular religion.

But what of other reasonable occupational qualifications? The Harlem Glode Trotters may well wish to preserve their racial identity. A movie company making an extravaganza on Africa might well decide to have hundreds of extras of a particular race or color, to make the movie as authentic as possible. A religious institution which operates a hospital may have as great a desire to employ people of its own religious persuasion in the hospital as it would to employ them in its educational institution.

Again, we need careful consideration and study.

Section 707 of this title provides for action to be taken by the Commission "on behalf of a person" when it received information on behalf of a person who claimed to be aggrieved. I feel that action taken under this title should be by complaint of an individual, not initiated on his behalf by others.

Section 704(f) of this title reads as follows:

> Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

This language was added to the bill in the House of Representatives, and would, if enacted into law, be, in my opinion, a subject of review by the Supreme Court. In view of recent decisions by the Supreme Court, I have some doubt that this section would be sustained.

At this point I wish to refer again, briefly, to the part of title VII which deals with the proposed Fair Employment Practices Commission. Only a few plants do not have a defense contract of some kind; so all the others are required to keep records for the President's Commission on Defense Contracts. In addition, under the Illinois law they are required to keep records. In addition, under the provisions of this bill they would be required to keep records. In short, they would be required to keep three sets of records.

Under the Illinois law, if I remember correctly, it is not permissible to show on the records whether a person is of color. But under the Federal requirement that is shown. So what would happen? It is said that under the bill, States rights would not be preempted; that provision appears in title XI, in lines 14 through 21, on page 54.

But where would it leave the State commission in the State of Illinois? Who is in the ascendancy? Who will proclaim its power and finally win?

Still another problem would be the definition of "employer." Under the Wage and Hour Act there is one definition. Under the Illinois Fair Employment Practices Act there is a definition that requires that in order for an employee to be an employee he must work a given number of hours in a given quarter. No such provision appears in the bill. The bill merely provides that an employer would have 100 employees; then the number would drop to 75, then to 50, and then to 25.

But suppose an employer is operating a big peach orchard in Georgia, and for 11 months in the year he needs only four or five people to prune and spray. At that time he would not be within the act. But when fruiting time came for those delicious Georgia Elberta peaches, and he must get them to market, he brings in 300 or 400 pickers. What happens? Would he be under the bill or would he not?

Is it not about time for us to take a pretty good look and see who is an employer and who is an employee, and whether or not the provisions of the bill are integrated with State laws? There are approximately 30 State commissions. I believe the bill provides that a Federal commission or administrator would say whether the State law is effective and effectively administered.

Is that what we want? I desire a court to say whether the people in my State are effectively administering our FEPC Act or not.

One could go through the bill and find a great many provisions of that character.

TITLE VIII

I do not find title VIII relating to the gathering of registration and voting statistics objectionable except that we should protect the privacy of those who do not wish to give information as to race, color, and national origin and the like to survey groups or investigators. So, I would suggest that we provide that it shall not be an offense not to give such information to the Commission.

TITLE IX

Title IX of this bill provides:

Title 28 of the United States Code, section 1447(d), is amended to read as follows:

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

This seeming innocuous amendment is a radical departure from traditional legal procedures which reserved this right to the Federal district court on a remand motion rather than to a party to the lawsuit.

Section 1447 of title 28 proposed to be amended by this section authorizes a Federal court to send back a case brought to it in which a party alleges he has been denied or cannot enforce his civil rights in a State court.

In the interest of orderly conduct of law enforcement and the business of the courts, I feel that allowing for an appeal to a higher court before a case comes to trial on the merits in the first instance would unnecessarily handicap State and local courts and would add immeasurably to existing delay in the enforcement of legal rights. The public, victims of crime, and witnesses, would be adversely affected by dilatory tactics made available under this section.

TITLE X

Title X establishes a community relations service which I except to discuss more fully in connection with my proposals by way of a substitute for title II.

TITLE XI

This section indicates a lack of intention to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or official thereby under existing law to intervene in any action or proceeding.

It further states the intent of the Congress not to preempt State law on the same subject matter. In view of differing opinions among lawyers on this, a clearer statement as to its effect should be given. Section 1103 provides for an open end authority of such sums as are necessary to carry out the provisions of this act. Certainly ordinary prudence, particularly at this time should indicate some limit to the amount of funds which can be authorized to be appropriated under this section.

Section 1104 of this title is similar to section 716 of title VII. It states:

If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

In my opinion limiting the decision of invalidity to a particular person or circumstance would only result in a multiplicity of suits. If the court should determine any provision or section of this act to be invalid their decision of invalidity ought not to be limited by Congress to a particular person or circumstance.

I shall not detain the Senate any longer except to say that if ever a case could be made for the support of the Morse motion to send the bill to the committee, this is the day to make the case.

We had better take a little time; otherwise we may be like the fellow in the jailhouse in my hometown to whom I said, as I walked through the courthouse:

"What are you in there for?"

He said, "Petty larceny."

I said, "How long?"

He said, "From now on."

The impact of the bill will be "from now on," and the social pattern of our country will be changed. Some time later I do not wish to lament and to rue the day when I did not take sufficient time to give sufficient scrutiny to the words, the phrases, the implications, the legal significance, and what its impact will be upon the economic and social fabric of our country.

There is much to be said for the motion of the distinguished Senator from Oregon. No one can say that he does not want a bill. He has been a white knight on a white charger in shining armor in the liberal cause, and everybody knows it. So no one can say that he is trying to hurt, to delay, or to postpone. The Senator from Oregon thinks as a great lawyer and a great law instructor. He knows his cases pretty well. Two of the cases he recited in his interesting statement today were quite "on the nose."

That statement ends my discussion. The debate could go on for a long time, but I see no need for it. I shall vote for the motion. I think we can do some good in the Judiciary Committee when we stop to consider that 9 of the 15 members of the committee come from States which have FEPC's and nondiscriminatory legislation.

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

Mr. DIRKSEN. I yield.

Mr. MORSE. I thank the Senator from Illinois, the minority leader, for his support of my motion. I emphasize the fact that the Senator from Illinois is a member of the Committee on the Judiciary.

Mr. DIRKSEN. Yes.

Mr. MORSE. His argument today has utterly destroyed the rationalizing that we have heard on the floor of the Senate, to the effect that if we send the bill to the Committee on the Judiciary we will not get a committee report and we will not get a fair distribution of time for hearing during the 6 or 6½ days of actual working time that my motion would allow.

The Senator from Illinois has made it perfectly clear that we have an opportunity to hold the Judiciary Committee to an accounting by giving it an opportunity to live up to its clear responsibility to the Senate; namely, to provide the Senate with a committee report and to give us the best set of hearings possible in the 6½ days that will be allowed.

I close by saying that the proposed procedure is the way to prepare the way for cloture in the Senate. I should like to say to the civil rights groups in the galleries, "You will not get a civil rights bill until cloture is invoked. The senior Senator from Oregon is only seeking a procedure which, in his judgment, will enhance our prospects of invoking cloture."

We shall never get cloture, in my judgment, if we adopt the "end justifies the means" policy, and if we adopt the argument that was heard today, that our opposition has used the rules against us. Why do we not use the rules against them? I will state why: It is not fair; it is not the way to pass legislation in the Senate. I shall never be a party to a movement that we ought to adopt an "end justifies the means" policy because the end is what I am looking for.

The way to attain the end we all seek—a strong civil rights bill—is to follow a procedure that will stand up to the test in the light of history.

Mr. DIRKSEN. Mr. President, I close my remarks by saying that I desire a civil rights bill. I wish to vote for a bill. I have said nothing about title II. I shall have a substitute that would take a large share of title II in the pending bill. But I want it to be fair, equitable, durable, and workable, so that it can never be said that by hasty action we have created pockets of prejudice in our country. One reason why the issue is before the country is that the force bills passed in the Reconstruction days bred prejudice, and in the present generation we are faced with a real dilemma.

I surrender the floor.

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

Mr. DIRKSEN. I have yielded the floor.

Mr. HRUSKA. The Senator from Nebraska is a member of the Committee on the Judiciary. The debate which has occurred on the Morse motion today brings some thoughts to his mind pertaining to the next 10 days or perhaps the next 2 months. I do not know which it will be. One of those thoughts is as follows: Would not the limitation of referral to only 6 working days in the committee be in itself a form of cloture?

The subcommittee in the House devoted 22 days of hearings to the bill which it did not get to report. Following those 22 days there were 17 days of executive sessions to mark up the bill.

Under the pending motion 6 working days would be allowed for the purpose of hearing witnesses, marking up a bill, and writing a report. It might be said that the House committee was a little verbose, and perhaps a little dilatory. I do not believe it was. That committee applied itself diligently. But let us turn to what one of the committees in this body did when it reported to the Senate the bill having to do with public accommodations—one title of the bill. Hearings on that one title occupied 17 days.

Under the Morse amendment we would send a bill to the Committee on the Judiciary, of which I am a member. I would participate in the deliberations of the committee. We would send it there for 6 days.

There has been mention of a denigration of the Judiciary Committee. If the bill were referred to the committee with instructions not to amend it, but merely to hold hearings, I say that under those circumstances, under the terms of the Morse motion, that action likewise would be a denigration of the committee. I do not like it. I do not know that it is going to do any good, but I thought I would bring it to the attention of the Senate, because it bears on the situation at hand. If there is an explanation for it, I shall be glad to hear it.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I yield.

Mr. MORSE. Did I correctly understand the Senator from Nebraska to say that my motion would prevent the bill from being amended?

Mr. HRUSKA. No. I said that during the discussion about 3 weeks ago, one of the requests was to send the bill to the Judiciary Committee for hearings, without authority to amend the bill. There was a discussion about that question. When that discussion arose, it was said that that would be blackmailing the committee and would be an affront to the committee and to the committee chairman, because, after all, committees are supposed to work their will on bills.

Mr. MORSE. I remind the Senator that I was in favor of the bill going to the committee with the full rights of the committee.

Mr. HRUSKA. I understand.

Mr. MORSE. The Judiciary Committee knows about these problems. It knows the witnesses it can call to make legislative history. The committee can make a record in 6 days, and submit a report. It is a very able committee. The staff can start to work and draft a report.

Mr. DIRKSEN. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, in view of the fact that I intend to move to table the motion of the Senator from Oregon at the conclusion of my remarks, and further in view of the fact that my remarks will not be too long, I should like to suggest the absence of a quorum, the call to continue for not to exceed 2 minutes. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The 2 minutes have expired, and further call of the roll is dispensed with.

Mr. MANSFIELD. Mr. President, the reason for suggesting the absence of a quorum was not that I had anything earthshaking to say, but in anticipation that, at the conclusion of these remarks and the motion which I intend to make, there will be a vote.

I can sympathize with the approach of the Senator from Oregon [Mr. MORSE] in urging that H.R. 7152 be referred to committee. May I say that after H.R. 7152 was put on the calendar the majority leader was also prepared to refer the bill to Judiciary. A unanimous-consent agreement was offered to that effect, with the provisos that the bill be reported back to the Senate on a date certain and without change in text. Had the bill gone automatically to the committee, as it would have without the leadership's intervention, no such provisos could have been attached.

The first time the majority leader made the unanimous-consent proposal, a single objection was heard from the distinguished senior Senator from New York [Mr. JAVITS]. On the second occasion that the majority leader asked the Senate to entertain the unanimous-consent agreement an objection was heard from the distinguished chairman of the Judiciary, the Senator from Mississippi [Mr. EASTLAND], who was joined in objection by the other distinguished Senator from New York [Mr. KEATING]. To the best of my recollection, and in all fairness, I should note that neither the Senator from Oregon [Mr. MORSE], nor the Senator from Georgia [Mr. RUSSELL], nor the distinguished minority leader [Mr. DIRKSEN] raised objection to the majority leader's proposal on the two occasions it was made.

Had the unanimous-consent agreement offered at the outset prevailed, the Senator from Oregon would have had the detailed record of committee hearings in which, as a great constitutional lawyer and historian, he is primarily and deeply interested. Had the unanimous-consent agreement prevailed, I suspect that the Senator from Georgia [Mr. RUSSELL], too, even though he may not have been content, at least would have experienced a lesser outrage of his sense of procedural orthodoxy.

Insofar as the majority leader is concerned he, too, would have been entirely satisfied. There would have been an opportunity for the Judiciary Committee to consider the bill during a period of time when other important measures—a military construction authorization and farm legislation—were before the Senate. The date certain for reporting the bill back to the Senate would have prevented undue delay in the committee. Moreover, the House bill would have returned to the Senate without change in text so that the Senate as a whole, rather than a committee, would have had an opportunity to consider it in a form which the President of the United States had found most satisfactory. That is the form, moreover, in which a majority of the Senate had indicated they desired to consider it by supporting the Chair's ruling that it be placed directly on the calendar after receipt from the House.

I think it ought to be abundantly clear by this time that the majority leader is not a procedural radical. I think it ought to be abundantly clear that the majority leader prefers to stay as close as possible to usual procedure and still move the business of the Senate. There is no joy, as I have known to my sorrow, in bypassing any committee. But there is a higher responsibility to see to it that whatever can be done by the leadership—and it is not much—is done, to the end that the proper and pressing business of the Senate is faced and disposed of by the Senate. I know of no Member who would contend that the civil rights bill is not the proper business of the Senate. And I would doubt that there are many Members who would contend that the bill is not pressing business.

With all due respect to the chairman of the Judiciary Committee, I do not see how disrespect or offense can be inferred from the instructions which were contained in the unanimous-consent agreement proferred by the majority leader some days ago. A committee is the creature, the agent of the Senate. Committees are to facilitate the work of the Senate as the Senate as a whole decides that it is best facilitated. The act of referral represents a trust of the whole Senate in several of its Members. It can in no way be considered as disrespectful or offensive, irrespective of the instructions which the Senate may give to its agent. Instructions of all kinds from the Senate to any committee are entirely in order and they are neither uncommon nor, at times, unnecessary.

I go into this background, Mr. President, for no purpose other than to make my position entirely clear on the issue now posed by the motion of the Senator from Oregon. It was at the outset and it remains, today, the leadership's desire to stay as close to the usual procedure as is commensurate with reaching the point of decision on the civil rights bill without unconscionably delay.

May I reiterate the phrase "usual procedure" which I have just used. There has been some loose terminology in the debate of the past 2 weeks. There has been talk of the need for orderly procedure and even "legislative lynching," as though the majority leader had somehow advocated disorder or a disregard of the rules of the Senate or violation of the rights of any of its Members. I reject any such implication.

Let me emphasize that the course which is being followed has in no way intruded on the rights of any Member of the Senate. The procedure may not be a very unusual one but it is entirely in order. It is entirely in accord with the rules of the Senate. Indeed, if it were not, the hue and cry, the points of order, would be such as to echo all the way—and properly so—from Florida to Hawaii.

There is a difference between usual and orderly. I am prepared to admit that the leadership has resorted to unusual procedure. But who in this body will say that in considering this legislation we are in the usual situation?

My reaction to the present proposal of the Senator from Oregon at this point is that it, too, is unusual. My reaction to the proposal is that it will not only take us even further from the usual procedure than we are but, at the same time, it will introduce a most unconscionable delay in facing this critical issue.

In the first place, it is a most unusual procedure to refer a bill to committee once it has become the pending business before the Senate. When a bill has progressed to that point, the usual procedure is to debate the bill before the entire Senate, amend it if that is the will of the Senate and, in due course, to vote on it.

To be sure, the Senate acted in an unusual fashion in placing the bill directly on the calendar. But the Senate made that decision, not in haste, but in a day-long consideration of the procedural issue involved and in accordance with the rules. An opportunity was afforded to challenge the procedure. It was challenged by the appeal of the Senator from Georgia of the Chair's ruling that the bill be placed directly on the calendar and the challenge was tabled by the Senate. The bill stayed on the calendar, not by some dictum of the majority leader or the Presiding Officer, but by ruling of the Chair, sustained, in effect, by a majority vote of the Senate.

What is now being asked by the Morse motion is that the Senate reconsider what is has already, in effect, decided. The motion, of course, is in order but it is also unusual.

I acknowledge, Mr. President, that there is much theoretical appeal in the argument of the Senator from Oregon that committee hearings and a report from the judiciary on this measure would be most useful to our understanding and to subsequent interpretations by the courts. But I would say to the Senate, that was done in 1960. A report was transmitted by the committee as directed by the Senate. This is the report which was supplied which presumably was going to be of great help to the courts in interpreting the civil rights bill of 1960. I now read to the Senate the whole report, the entire report of the committee on that legislation, and I ask the Senate to judge what value it might have to the courts in interpreting that law:

REPORT BY MR. HENNINGS, FROM THE COMMITTEE ON THE JUDICIARY

(To accompany H.R. 8601)

The Committee on the Judiciary, to which was referred the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, having considered the same, reports the bill in conformity with instruction of the Senate, with amendments.

STATEMENT

By order of the Senate, agreed to March 24, 1960, H.R. 8601, to enforce constitutional rights, and for other purposes, was referred to the Committee on the Judiciary, with instruction to report back to the Senate not later than midnight Tuesday, March 29, 1960.

The committee met in executive session on March 28 and 29, 1960, during which time testimony was received from the Attorney General of the United States, William P. Rogers; the Deputy Attorney General, Lawrence E. Walsh, and the special deputy attorney general of the State of Georgia, Charles J. Bloch.

The committee considered numerous amendments agreed to by the committee are set forth in the bill as reported to the Senate.

That, I repeat, is the whole report of the Judiciary Committee on a previous instructed referral of a civil rights bill.

I would say to the Senate, look at the hearings on a Senate bill closely related to the pending bill which was referred last year to the judiciary. They consist of 9 days of hearings in which one witness was questioned by one Senator and that was all. I do not believe those hearing give us a fraction of the insight into the significance of this measure when they are compared with the documentation already developed on the floor of the Senate in its preliminary consideration of the question. And if and when we do get down to debate on the substance of the measure, there is every reason to assume that the additional documentation which will be produced on the floor will be extraordinary both in volume and in erudition.

And, finally, I would say to the Senator from Oregon in his understandable concern that the courts have the guidance of a legislative record for purposes of interpretation, what is wrong with the record which is just beginning to develop on the floor? I do not believe that the Senator from Oregon will hold for one moment that a thorough legislative record developed by all the members of the Judiciary Committee plus the balance of the 100 Senators will be held in less esteem by the courts than one developed by 15 committee members alone.

Mr. MORSE. Mr. President, will the Senator yield to me for 30 seconds?

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. I merely wish to say that the U.S. Supreme Court has so held and will continue so to hold.

I also point out the first time I had an opportunity to make my motion was today, because the bill was on the Calendar. That is the regular course of procedure in the Senate; there is nothing unusual about it.

Mr. MANSFIELD. The Senator from Oregon has stated again what he said previously. We differ.

It is obvious that we are going to have the time to develop an exceptional legislation record. We have already been developing it for a longer period than the Senator's motion would allow to the Judiciary Committee and we will be at it for weeks, if not months, more. I venture to say to the Senator, with all due respect, that, in the end, the CONGRESSIONAL RECORD of the proceedings will be more thorough, more complete, more learned in a legal sense than anything which might be produced by a short period of hearings before the able lawyers of the Judiciary Committee.

So while I sympathize with the argument that this bill should be referred to the Judiciary for purposes of developing the usual legislative record, I cannot accept it, at this late date, as an overriding consideration.

I found this argument sufficient cause when I originally propounded the unanimous consent request for an instructed referral. Had it been referred at that time and with the conditions mentioned, it would not have admitted of unconscionable delay. But I find it insufficient cause at this late date, when we have already had an opportunity to develop a considerable record on the floor and will continue to have it.

I must ask the Senate, therefore, to consider fully the implications of the Morse motion to the timely consideration of H.R. 7152. The Senate knows that the motion, if it carries, will deliver the bill to Judiciary for a period of 14 days. By no later than April 8, the committee following its instructions faithfully would report the bill back to the Senate.

But does the Senate realize fully what happens at that point under the rules? Does the Senate assume that H.R. 7152 will once again be, as it is now, as it is after 16 days of debate on the simple question of taking up—does the Senate assume the bill will be the pending business again on its return from committee? If the Senate so assumes, it assumes in error. The bill on its return will not come before the Senate at once. It will go to the calendar, as any other bill which might be reported from committee. It will have no privileged status. It will no longer be, as it is now, the pending business of the Senate. It will be on the list, subject to being motioned up all over again. May I say that it has already taken us since March 9 to get H.R. 7152 motioned up the first time and laid down as the pending business. It will be in committee for the next 14 days if the Morse motion carries. For how many days after, then, will we have to repeat the ordeal of the last two and a half weeks in order to make H.R. 7152 once again the pending business—to get it once again to the point in the legislative process where we are today—where we can debate the issues of the bill and not the question of whether there is an issue to debate? Unconscionable delay? I do not know how others may regard it. But to me, Mr. President, that sort of delay would be most unconscionable.

Let me underscore what I have just said by propounding a series of parliamentary inquiries. Let me make clear that there is a difficulty in this motion, an invitation to unconscionable delay which some of those who now support this motion may have overlooked.

Mr. President, I wish to propound a parliamentary inquiry.

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

Mr. MANSFIELD. Am I correct, in stating that if the Morse motion is adopted, H.R. 7152 will be referred to the Judiciary Committee and that no later than 14 days hence it will be reported to the Senate?

The ACTING PRESIDENT pro tempore. It will have to be reported back

on the day stipulated, not later than April 8.

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

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

Mr. MANSFIELD. After H.R. 7152 is considered in committee and reported to the Senate, will the bill be in its present procedural status; that is, will it become again automatically, on being reported from the committee what it is now—that is, the pending business before the Senate, or will it revert on return from committee to the calendar?

The ACTING PRESIDENT pro tempore. It will revert to the calendar and will have to lie over 1 legislative day before a motion to take it up will be in order.

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

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

Mr. MANSFIELD. After H.R. 7152 is reported by the Judiciary Committee and reverted to the calendar, it would have to lie over 1 legislative day and then it would be in order, would it not, to move to proceed to consider it again?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. And that motion to take up would be, except in the morning hour, debatable, would it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. A final parliamentary inquiry, Mr. President.

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

Mr. MANSFIELD. Except by unanimous consent, is it in order to refer the pending business, H.R. 7152 to the Judiciary Committee with the proviso that when it is reported back to the Senate it will become as it is now, once again the pending business of the Senate?

The ACTING PRESIDENT pro tempore. The only way such a proviso could be included would be by unanimous consent.

Mr. MANSFIELD. Mr. President, the amendment which is offered is an invitation to go back to the beginning and to start all over again. What is involved is not merely the 14 days during which the motion would put the bill in the Judiciary Committee. It is those 14 days plus whatever additional days or weeks it may subsequently take to get the bill off the calendar and pending once again in the Senate.

Whatever its worthy intent, the course advocated is an invitation to delay, to evade, to put off.

In asking the Senate to reject it, I do not ask Senators to prejudge the issues of substance involved in H.R. 7152. My personal judgment is that it is a good bill; but I hope that I am sufficiently openminded not to foreclose adjustments in that estimate, dependent on the argumentation and debate which will transpire on the floor.

Face the issue: that is all the majority leader requests of the Senate. Argue the substance of this bill; amend it if that is indicated. In the end, approve it or reject it, as we will. There will be time enough on the floor—that much is a certainty—to consider every last comma, to reach a decision on the basis of full and complete understanding. But there is not so much time available that weeks, if not months, more can be allocated to procedural matters.

We may go away from this issue by referral, by a repetition of days more of debate on taking up, or by any of the countless provisions of the rules which permit delay, postponement, and evasion.

We may go away from the issue. But the issue will not go away from the Nation.

It seems to me that we owe it to the President to face this question and to face it now. We owe it to the House of Representatives. We owe it to the Senate as an institution. We owe it, in the last analysis, to the Nation and to ourselves.

Senators individually are responsible to their consciences and their constituencies. But the Senate as a whole is responsible to the Nation as a whole. I ask Senators to act individually so that the Senate as a whole will not abdicate that responsibility. I ask Senators, regardless of their views on merit, to permit the Senate to stay with the bill with a single-minded and resolute purpose until we find out what its merits may be and then dispose of it by votes, one way or the other.

I urge the Senate, therefore, to set this motion aside so that we may now come to grips with the substance of the bill.

Mr. President, I move——

Mr. MORSE. Mr. President, before the Senator makes his motion, will he yield 2 minutes to me?

Mr. MANSFIELD. I yield.

Mr. MORSE. I wish to say to the Senator from Montana that I had already elicited all the information he has stated with respect to procedure from the Parliamentarian and had stated it for the RECORD.

It really does not make any difference, when a filibuster situation is facing the Senate, whether the filibuster is being conducted about restoring a bill to the calendar after it had been reported by committee, or whether the filibuster is on any other point. There will be a filibuster.

The procedure is to let the filibuster continue until the Senate can obtain a vote for cloture. Once the cloture vote has been obtained, whatever filibuster has been started will be stopped, not before.

So I am not at all moved by the argument that the bill will not be placed on the calendar when it comes from committee, because whether it is on the calendar or not the Senate will be confronted with a filibuster, and the debate will continue until the Senate votes cloture. Once the Senate becomes convinced that it can stop a filibuster by cloture, there will be no trouble in getting a cloture vote as many times as it is needed.

Next, the 1960 civil rights bill is not a good analogy to be offering to prove a point in connection with this debate. The 1960 bill was pretty weak stuff. Most of its strength was eliminated before it ever moved through the Senate.

It may be that the Committee on the Judiciary, in considering this bill, the most important, extensive and most discussed bill on civil rights that I believe the Senate and the people of the country have ever faced in many a year, may give it the kind of treatment that the Senator from Montana has said the 1960 bill received.

Does not the Senator believe we ought to find that out? Does he not believe we ought to ascertain whether the Senate has a Committee on the Judiciary composed of a majority of members who will provide us with that kind of report? I will tell Senators one of the things that concerns me. I am somewhat concerned as to whether or not there are those who would like to permit the Committee on the Judiciary to escape its responsibility to draft for the Senate a sound report that can be used not only in the debate, but also in the litigation that will arise afterward.

I close by saying to the Senator from Montana that he is wrong in his law. All the debate in the Senate, without having a committee report, will not establish legislative intent.

Today the Southern Railway case was cited. That case involved two committee reports. After all, the reference to the debate on the Senate floor was in relation to a bill on which there were committee reports attached. I cited cases today to show that when that kind of situation exists, the courts will at least consider what the prominent leaders of the bill said on the floor of the Senate.

The law is against the Senator from Montana, but in my judgment what is against the Senator from Montana more than anything else is that he opposes following the procedure that has been outlined in my motion, for that is the way, ultimately, to get cloture, and that is the way to pass, finally, a bill of which the Senate can be proud.

Mr. MANSFIELD. Mr. President, I wish to corroborate what the distinguished Senator from Oregon has said. Many of the points which I have just brought out were brought out for the purpose of emphasizing them. They had been brought to the attention of the Senate before by the distinguished senior Senator from Oregon. Not being a lawyer, I could very well be wrong on the law, but being an ex-miner, an ex-rancher, and an ex-teacher, I believe I could very well be right on the facts. Whether or not I am right or wrong will of course be up to the Senate to test in its wisdom.

I move, Mr. President, that the motion——

Mr. GORE. Mr. President, will the Senator yield before he makes the motion?

Mr. MANSFIELD. I yield.

Mr. GORE. Mr. President, I ask the Senator to yield only briefly.

Mr. MANSFIELD. I yield.

Mr. GORE. Mr. President, in section 602, the first sentence uses as its verb the word "shall". In the second sentence the verb is "may."

I inquired of the Justice Department why the word "may" was used, and I received a 5-page memorandum on the

word "may." This illustrates the need for clarification.

I suggest to the majority leader, although he has already taken his position, that a few days of careful consideration now by a committee of lawyers—a committee of 15, of which only 4 are southerners—might well save weeks later.

I should like to know the meaning of the terms with some more specific reference as to the legislative intent. We have seen repeatedly in the Senate the incongruous situation of a Senator, albeit a very able and distinguished Senator, the senior Senator from New York [Mr. JAVITS] giving to the Senate, or undertaking to do so, an interpretation of the bill, and the alleged legislative intent.

I invite the attention of the Senators to the fact that the distinguished senior Senator from New York is neither the author of the bill nor a member of the Judiciary Committee, nor a member of the majority party. The orderly and prudent procedure is to refer the bill to the appropriate committee with instructions to report it back in accordance with the instruction contained in the motion of the senior Senator from Oregon. I shall so vote.

I appreciate the courtesy of the majority leader.

Mr. MANSFIELD. I thank the Senator.

Mr. President, I move to table the motion of the distinguished senior Senator from Oregon, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana that the motion of the Senator from Oregon that the bill be referred to the Judiciary Committee, with certain instructions, be laid on the table.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE (when his name was called). On this vote, I have a pair with the junior Senator from Washington [Mr. JACKSON]. If the junior Senator from Washington [Mr. JACKSON] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. JORDAN of Idaho (when his name was called). On this vote, I have a pair with my colleague, the Senator from Idaho [Mr. CHURCH]. If the Senator from Idaho [Mr. CHURCH] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. WALTERS (when his name was called). I have a live pair with the Senator from West Virginia [Mr. RANDOLPH]. If the Senator from West Virginia [Mr. RANDOLPH] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. Moss], and the Senator from Washington [Mr. JACKSON] are absent on official business.

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

I further announce that the Senator from New Mexico [Mr. ANDERSON] is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Utah [Mr. Moss] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Wyoming [Mr. SIMPSON] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New Hampshire [Mr. COTTON] is absent to attend the funeral of a friend.

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Wyoming [Mr. SIMPSON]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Wyoming would note "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from New Hampshire [Mr. COTTON]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from New Hampshire would vote "nay."

The result was announced—yeas 50, nays 34, as follows:

[No. 103 Leg.]

YEAS—50

| | | |
|---|---|---|
| Aiken | Hruska | Mundt |
| Bartlett | Humphrey | Muskie |
| Bayh | Inouye | Nelson |
| Beall | Javits | Neuberger |
| Boggs | Keating | Pastore |
| Brewster | Kennedy | Pell |
| Burdick | Kuchel | Prouty |
| Carlson | Long, Mo. | Proxmire |
| Case | Magnuson | Ribicoff |
| Clark | Mansfield | Saltonstall |
| Dodd | McCarthy | Scott |
| Douglas | McGee | Smith |
| Edmondson | McGovern | Symington |
| Engle | McIntyre | Williams, N.J. |
| Fong | McNamara | Yarborough |
| Hart | Metcalf | Young, Ohio |
| Hartke | Miller | |

NAYS—34

| | | |
|---|---|---|
| Byrd, Va. | Gruening | Morton |
| Byrd, W. Va. | Hayden | Robertson |
| Cannon | Hickenlooper | Russell |
| Cooper | Hill | Smathers |
| Dirksen | Holland | Sparkman |
| Dominick | Johnston | Stennis |
| Eastland | Jordan, N.C. | Talmadge |
| Ellender | Lausche | Thurmond |
| Ervin | Long, La. | Williams, Del. |
| Fulbright | McClellan | Young, N. Dak. |
| Goldwater | Mechem | |
| Gore | Morse | |

NOT VOTING—16

| | | |
|---|---|---|
| Allott | Curtis | Randolph |
| Anderson | Jackson | Simpson |
| Bennett | Jordan, Idaho | Tower |
| Bible | Monroney | Walters |
| Church | Moss | |
| Cotton | Pearson | |

So the motion to lay on the table was agreed to.

Mr. INOUYE obtained the floor.

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

The ACTING PRESIDENT pro tempore. Does the Senator from Hawaii yield to the Senator from Georgia?

Mr. INOUYE. Mr. President, I yield with the understanding that I shall not lose my right to the floor.

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

Mr. INOUYE. I yield.

Mr. RUSSELL. Mr. President, unfortunately today, by the vote that has been taken in the battle for constitutional government, we have lost a skirmish. A battle has been lost. We shall now begin to fight the war.

The great odds against us are clearly apparent. Washington has not seen such a gigantic and well-organized lobby since the legislative days of Volstead and the prohibition amendment. Even the society section of one of Sunday's newspapers was devoted to various activities of the good ladies attending sessions and visiting on Capitol Hill. Groups of ministers from all over the Nation arrive in relays, demanding that Senators resolve all constitutional doubts, however genuine they may be by voting in favor of the bill.

As these people undertake to make a moral issue of the pending question, the politicians are having a field day sanctimoniously moralizing over what is essentially a political question. We in the minority have much greater difficulties than did the minority in the Volstead fight. In this case the President of the United States, leaders of both political parties, and the most gigantic bureaucracy ever supported by tax money are using every available pressure to influence votes for the bill. Tax-paid representatives—lawyers—of the Department of Justice, in large numbers, have either been rotating through the gallery in shifts or scattered throughout offices assisting Senate employees, including those of the Democratic policy committee, in furnishing ammunition to Senators who support the bill.

I again state that those who are advocating the bill with the slightest hope that even this far-reaching and sweeping proposed legislation will begin to satisfy those who are supposed to be its beneficiaries are in for a rude awakening. Even if the bill is enacted, these groups will be back here next year with new and increasing demands. Senators may recall the several steps in the so-called prohibition era.

First, it was temperance; then it was the Anti-Saloon League; then it was total prohibition. Senators will see that course followed in respect to the proposed legislation.

There are many ethnic groups among our diverse population which, by their own mental efforts, have earned acceptance, equality, and leadership. Many individual Negro citizens have accomplished this for themselves. But for the first time in our history a group of American citizens are resorting to force and intimidation and demanding special legislation as a means to achieve these

ends. The American people would do well to blow away the emotional smokescreen which obscures the real issues before irreparable damage is done to the fabric of constitutional government. Despite overwhelming odds, those of us who are opposed to the bill are neither frightened nor dismayed. We shall renew the contest next week with a firm conviction that we are fighting the good fight for constitutional government.

Make no mistake about it. If the bill is enacted as it is now written, it will not only change the social order to which the Senator referred, but it will also change the form of our Government.

Mr. President, we shall enter into the battle next week with the earnest hope and prayer that we may find the means and strength to bring the facts of the issue to the people of this self-governing Republic before it is too late.

Mr. INOUYE. Mr. President, I ask unanimous consent that I may yield to the Senator from Wyoming [Mr. McGEE] without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, I have been waiting all afternoon to speak. There are approximately 15 other Senators who wish to speak. I shall have to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Hawaii has the floor.

Mr. WILLIAMS of Delaware. Mr. President, I withdraw my objection if the Senator will yield to me——

Mr. JAVITS. Mr. President, reserving the right to object, we all have been waiting. It is understandable that a Senator who has the floor should yield to Senators for unanimous-consent requests or to make brief statements. But he should not yield for speeches. There is no reason for having to wait a half hour. I do not think there is anything fair about that.

The ACTING PRESIDENT pro tempore. The Senator yielded——

Mr. JAVITS. The Senator asked unanimous consent. The Senator from Delaware objected. He withdrew his objection. I have a right to object. I do not intend to object, but I think the situation can be organized a little better. I suggest that a Senator who has a unanimous-consent request which would not take more than 30 seconds or so should not have to remain in the Chamber all afternoon.

The ACTING PRESIDENT pro tempore. Does the Senator from Hawaii yield; and, if so, to whom?

Mr. INOUYE. I yield to the Senator from Wyoming [Mr. McGEE].

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## PURCHASING, PROCESSING, MARKETING, AND PRICING PRACTICES OF LARGE FOOD CHAIN STORES

Mr. McGEE. Mr. President, I express my appreciation to the Senator from Hawaii for yielding to me for a very brief statement.

Mr. WILLIAMS of Delaware. Mr. President, I will withdraw my objection to any statements.

The ACTING PRESIDENT pro tempore. The Senator from Delaware withdrew his objection. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, the Commerce Committee has just concluded the first 3 days of hearings on a resolution, Senate Joint Resolution 71, which I have sponsored, to authorize the Federal Trade Commission to conduct an investigation into the purchasing, processing, marketing, and pricing practices of the large food chainstores. This resolution grew out of some unusual and highly suspicious market changes on the beef market beginning about 15 months ago. Perhaps the dirtiest of the allegations being made is the threats of retaliation against many suppliers who dared to criticize the major purchasers of foods.

Mr. President, fear and intimidation are ugly words. They are words that should not be used in describing business practices in our American free enterprise economy. Yet these words have been used, in direct testimony, by men who have witnessed attempts by large food chainstores to threaten reprisals against cattle suppliers who might testify concerning some of the tactics used to control and manipulate the American beef market.

An official of the Denver Union Stock Yards declared that, in his presence, one operator in the Denver area had said that he didn't dare appear at a witness because the big chains would put him out of business. An official of a Rocky Mountain farmers' organization testified that a cattleman of his acquaintance in the Denver area had already been threatened by the refusal of chains to buy his cattle because of his criticism of chainstore marketing methods. And a third witness, Mr. James G. Patton, president of the National Farmers Union, reported that a manager of a Farmers Union cooperative told him that he did not dare testify because he was dependent upon the chains for most all that his group marketed.

Mr. President, these are serious charges. If true they reflect an unconscionable use of concentrated economic power. I serve notice now that the Congress dare not greet such pressures with indifference. They threaten the search of a duly commissioned committee of Congress for the facts. They jeopardize the operations of a free society. The plight of the captive suppliers for the chains is one of Hobson's Choice of slowly going broke because of continued low prices and being put out of business because the major markets for their produce seek to destroy them through retaliation. It is appropriate to add at this point that, since these hearings have been underway, several other groups have come to me privately describing similar threats from the large chains. It may be that the Congress, when it finishes its meat inquiries, should look at the pressure economics and pressure politics of the gigantic marketing agents in the country.

One other development of interest in the committee hearings has been the strange activity on price lines. It was reported to the committee in testimony that, very soon after the announcement of the committee's intention to investigate chainstore marketing practices, there suddenly appeared a flurry of meat sales which reflected sharply cut beef prices. Curiously enough, 3 or 4 days later—so it was reported—the beef prices to the housewife were back up to their old high level. The intimation made was that we can expect further concentrated efforts on the part of the food chains to allay the housewife's suspicions and misgivings by giving her temporary relief from high meat prices in "quickie" weekend sales for as long as the "congressional heat" remains on this question. If this be true, I for one want to assure these predators of a free market that "congressional heat" is not going to be permitted to die down until the marketing conditions have been cleaned up.

What the committee is asking essentially is: Who repealed the law of supply and demand in meat marketing? For as the price to the stockman has gone through precipitous drops on the one hand, the price to the housewife either remains static or, in many instances, has steadily risen. Beef producers in our country have lost in excess of $2 billion in the last year in skidding prices. These losses in some of our areas represent price drops of as much as 30 or more percent to the grower, but the retail price across the counter has not reflected the savings to the chain stores.

The amount of concern that has manifested itself over a study of chain store marketing practices, the nationwide interest from all sections of the country that is now begging the Congress to go ahead with a searching examination in this field, and the desperate plight of many of our independent producers in varied economic groups all demand that a substantive investigation in depth be launched without further delay.

What this may require in the form of new legislation and examination is yet to be seen, but it does say that the Congress must demand the facts—all of the facts. It is now time that we ask the right questions without being afraid of the right answers.

Mr. President, Napoleon said that an army travels on its stomach. That statement could now be modified to say that an army travels, period. In fact, our whole Defense Establishment is keyed to the ability to transport men and materials with speed and efficiency to the places where they are needed.

It is very encouraging to know that this Nation is prepared to meet its transportation needs in case of an emergency. The extent of this preparation was outlined recently by C. K. Faught, Jr., Deputy Director, Office of Emergency Transportation, in a speech before a group of OET regional executive reservists in St. Louis, Mo., on March 24. I would add, Mr. President that Wyoming is proud to claim Mr. Faught as a native son.

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

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

REMARKS OF C. K. FAUGHT, JR., DEPUTY DIRECTOR, OFFICE OF EMERGENCY TRANSPORTATION, DEPARTMENT OF COMMERCE, BEFORE THE OET REGIONAL LEVEL EXECUTIVE RESERVISTS, ST. LOUIS, MO., MARCH 24, 1964

This is a very dangerous world. It is sobering to reflect on the measures that may be required to provide for the survival and maintenance of the economic capability of the United States under emergency conditions.

History has well emphasized the importance of transportation in emergencies.

By Presidential order the Secretary of Commerce is responsible for coordinating plans for the centralized direction of civil transportation in a national emergency. His assignment includes all land, water, and air transport, whether foreign or domestic. He is to determine the proper allocation of all civil transportation resources between essential civil and military needs.

The Under Secretary for Transportation created the Office of Emergency Transportation within his office to do this job.

This assignment is more extensive, with respect to centralized control of civil transportation, than any before given to a single agency. In World War II the emergency transportation function was divided into three parts: Domestic surface transportation to the Office of Defense Transportation; ocean shipping to the War Shipping Administration, and air transportation to the Military Directorate of Civil Aviation. Now it is to be a unified approach which recognizes that there is basically but one national transportation system. Efficient utilization demands centralized control.

To this end the Office of Emergency Transportation coordinates current emergency preparedness functions of our Federal transportation agencies. These include the Maritime Administration and the Bureau of Public Roads, within the Department of Commerce, and the independent agencies—the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Aviation Agency. The Office of Emergency Transportation relies on these transportation agencies for the operation and utilization of transportation. Under emergency conditions and upon Presidential direction to the Secretary of Commerce, the Office of Emergency Transportation would assess the essential civil and military movement requirements against available civil transportation capability and direct allocations and priorities.

The relative urgencies of competing claims would be determined by the Executive Office of the President. It is important to note that the Department of Defense, being responsible for both military and civil defense, is nevertheless a claimant for civil transportation resources and not a controller of civil transportation services and facilities.

In developing our plans for the coordinated employment of the civil transportation capacity in an emergency we work under the close guidance and direction of the Office of Emergency Planning. Executive Order 10999 makes us responsible for the following matters: Centralized control of all modes of transportation in an emergency; long-range programs to integrate the mobilization requirements for movement of all forms of commerce with all forms of national and international transportation; plans to claim supporting materials, manpower, equipment, supplies, and services which would be needed; and coordination of the transportation programs which involve other departments and agencies which have responsibilities for any segments of such activity, and utilize to the maximum the capabilities of other agencies.

The new national plan and especially chapter 6, covering transportation, sets the guiding policy and framework of how State, local, and National requirements are apprised and interrelated.

OET is developing an executive reserve unit composed of leaders in the transportation industry. Eight outstanding transportation executives and industrial traffic managers have accepted appointments as OET regional director designates to serve under emergency conditions. Other augmentation will come from elements of the Office of the Under Secretary for Transportation from elsewhere within the Department of Commerce where peacetime functions would have no continuing need during a national emergency.

Related activities of OET include allocation of civil air carrier aircraft to the Civil Reserve Air Fleet, and to the war air service program, the aviation war risk insurance program, assistance and guidance to State and local governments in their own transportation emergency preparedness programs, and participation with the U.S. delegations to such NATO planning groups as the Civil Aviation Planning Committee and the Planning Board for Ocean Shipping.

A particularly important aspect of our work is the transportation allocations, priorities and controls (or TAPAC) system. The TAPAC system, implemented through the Federal agencies, will enable OET to control the utilization of all modes of civil transportation in the national interest. It involves these steps:

Step No. 1 is the accumulation of data to give us total transportation capability for all modes. This would be compiled by Federal regulatory and promotional agencies. These agencies—ICC, Maritime Administration, Bureau of Public Roads, Federal Aviation Agency, CAB, and Department of the Interior—would continue to perform their normal functions as established by statute or Executive authority.

Step No. 2 is the gathering of time-phased transportation requirements, from the "claimant agencies" such as Department of Defense for military requirements and for civil defense; Department of Agriculture for food resources, farm equipment, fertilizer, and food resource facilities; Department of the Interior for petroleum and gas, solid fuels and minerals; and Business and Defense Services Administration for all other materials and production facilities.

Step No. 3 is the analysis and evaluation of these requirements with respect to relative essentiality and, finally;

Step No. 4 is the apportionment and allocation of the total civil transportation capacity.

These allocations will be issued in bulk to the major claimant agencies who will then issue suballocations down to the actual shipping agencies and industries. They will manage their own movements through their own internal controls, including a standard priority system.

OET's efforts are primarily directed toward a war emergency but it might well be called upon to provide the framework of centralized control and direction of the use of the Nation's civil transportation capacity in other situations. For example, the Cuban crisis and the narrowly averted interruption of rail service last August 28 tested the ability of OET to respond to the actual standby application of priority categories to critical cargoes.

Had the threatened railroad strike occurred OET was ready to function in response to executive direction and the White House was prepared to issue an Executive order which would have directed the Secretary of Commerce to establish transportation priorities. The Federal transportation agencies and all Government departments having functional or resource responsibilities involving requirements for movement of personnel or freight were alerted and ready to implement a priority system which, in effect, would have limited traffic to that essential to defense programs or to the public health or safety. The policies, established by OET with Office of Emergency Planning concurrence, would have been promulgated by the regulatory agencies through their normal procedures and made effective by shipper and carrier implementation.

The pattern of our activities during that crisis was very similar to the way we would function in a war emergency.

The broad outlines of the emergency documents drafted in preparation for a railroad work stoppage will give some insight into probable future emergency procedures.

The documents were directed to transportation agencies, to all executive branch agencies which ship or which generate passenger traffic, and to departments and agencies having an interest in the major sectors of the economy. Each agency drafted its own implementing documents to guide carriers, shippers, and travelers. The Government agencies were to designate traffic managers—in and out of Government—to apply identifying symbols to shipping or travel documents, so as to validate shipments for priority handling by carriers. A priority list provided the standards for validation. Carriers would have been authorized and required to honor validated documents.

Each Government agency was asked to limit its priority shipments to the minimum. The Defense Traffic Management Service and other action agencies prepared their own procedures for use of these emergency documents well in advance.

To establish a sound planning basis of how much transportation capacity, by mode, is presently available, we have commissioned research by a topflight transportation consulting organization. We are evaluating their report. It will be released under the title, "An Analysis of Potential Emergency Transportation Capacity, 1964."

We are now consolidating and reviewing the results of our first survey of the emergency transportation requirements of the claimant agencies. Military requirements are revised annually by the Joint Chiefs of Staff. The civil agencies have never before been called upon for such a comprehensive analysis of transportation demand and capability. In this current call we asked for estimates of requirements based upon 20 selected commodities which we find to be basic indicators of total traffic movement. By analyzing, totaling and extrapolating the transportation requirements for these 20, we can project total needs under emergency conditions.

Based upon information gained from the Emergency Transportation Capability Studies and from the call for requirements we can (1) plan preliminary allocations to claimants; (2) identify areas of critical shortages; and (3) recommend measures to improve our emergency transportation readiness.

To respond to the awesome problems of providing transportation in a future emergency, sense in transportation preparedness dictates complete reliance on the expert ability of the traffic manager and the transportation operating executive in all phases of our planning.

This concludes my remarks. I shall be pleased to respond to any questions.

## ALLEGED FORGERIES ON TAX RETURNS IN THE ROBERT BAKER CASE

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I wish to discuss for a couple of minutes the recent investigation of the Senate Rules and Administration Committee into questionable activities of some of the Senate Members, its employees, or former employees.

Yesterday I referred briefly to the fact that Mr. Hauft, an accountant, had on March 12, 1964, transmitted through me to the chairman of the Rules Committee an affidavit to the effect that his signatures appearing on certain income tax forms of Mr. Baker's and his partnerships were forgeries.

As I understand, this point is accepted by the Rules Committee, and an official of the Treasury Department last Friday confirmed that the signatures of the accountant appearing on the Carousel Motel tax return, as well as Mr. Baker's personal tax returns were not bona fide signatures of the accountant, but were forgeries. The accountant further charged that at no time had he ever taken part in the preparation of Baker's partnership returns, upon which his forged signature appeared.

The question as to whether or not the final tax return as filed with the Treasury Department is more or less accurate in reporting Mr. Baker's or his partnership's income is immaterial. The question as to whether or not the accountant would have signed the revised version of Mr. Baker's return had it been presented to him is likewise immaterial. Forgery is forgery.

There can be no contradiction of the fact that forgeries have been made; and both the committee and the Department of Justice have a responsibility to determine who forged the signatures, when, and for what purpose it was done.

At this point, Mr. President, I refer again to a letter which I placed in the RECORD yesterday from Mr. Colin F. Stam, in which he confirmed the fact of the penalty provisions applicable to a situation in which a tax return had been filed involving a forged signature in the preparation of a return. That letter was printed yesterday in the CONGRESSIONAL RECORD, and I am making it a part of the official report today.

There is another angle to this transaction which gives me great concern; and that is, the procedure which was followed by the committee on Monday.

On Monday, the Senate Committee on Rules and Administration arranged an off-the-record meeting between Mr. Hauft, the accountant who had first presented the charges of forgery to the committee, and Mr. Edward Bennett Williams, the attorney for Mr. Baker.

This meeting was arranged at Mr. Bennett Williams' office. Mr. Hauft, the accountant, was instructed by the chief counsel of the Senate Rules Committee to go to Mr. Williams' office in downtown Washington accompanied by Mr. Edward Hugler, one of the staff investigators.

He was told by the chief counsel that the committee wished him to keep this appointment which had been arranged with Mr. Baker's lawyer in order to examine and bring back to the committee his original work papers from which he had prepared the tax returns.

Prior to going to the meeting Mr. Hauft insisted on talking to Major McLendon and on getting his instructions direct from him.

Mr. Hugler and Mr. Hauft arrived at Mr. Bennett Williams' office at approximately 4 p.m. Monday afternoon, and they were immediately taken into his office. Mr. Williams asked Mr. Hugler, the committee staff member, to sit on the far side of the room while he and Mr. Hauft reviewed certain papers which he had originally used to prepare Mr. Baker's tax returns. Mr. Hugler not only stayed in the room throughout the conference, but upon entering the room he had presented to Mr. Baker's attorney his credentials as a staff investigator.

After reviewing the papers which Mr. Williams presented to Mr. Hauft he identified them as his original worksheets. A copy of these papers was then given to Mr. Hauft. Mr. Hugler and Mr. Hauft then left Mr. Williams' office and returned to the Senate Rules Committee where additional copies of the work papers were made by Mr. Hugler, and those copies were left with the committee.

At this meeting the 1961 personal tax returns of Mr. Baker's were the only ones which were reviewed by Mr. Baker's lawyer, Mr. Bennett Williams, with Mr. Hauft and Mr. Hugler. It should be noted that the partnership returns for the Carousel Motel which likewise bore the forged signatures of Mr. Hauft were not mentioned in the subsequent press release.

Furthermore, these documents which were sent to the committee by Mr. Baker's attorney are a part of the same papers for which the committee had earlier issued a subpena. Mr. Baker, upon the advice of his lawyer, ignored that subpena and invoked the fifth amendment.

Personally, I seriously question the propriety of the Senate Rules Committee's sending one of its witnesses to the office of Mr. Baker's attorney for a personal interview before he had even been called by the Rules Committee to give his testimony concerning these forgeries—but since Mr. Baker, through his lawyer, has not seen fit partially to comply with the Senate Rules Committee's request for his official records as named in the original subpena, I do not see how Mr. Baker can further refuse to furnish the remaining portion of his business records.

Mr. President, there is one report which disturbs me; and that is, the incident which is quoted in an article in the New York Times today, and I am quoting from the article:

> A staff investigator for the committee said later that his investigation of the tax returns of the former secretary of the Democratic majority of the Senate for a period of 4 years before 1962 had failed to reveal anything of a suspicious nature.
>
> Spokesmen for the Internal Revenue Service also took the witness stand today to testify guardedly about their own investigation into Mr. Baker's tax situation.
>
> They explained that secrecy safeguards established by statute prevented unauthorized disclosure of tax information, and successfully blocked several lines of inquiry by members of the panel.

I do not know just what was proved by this statement. I did not understand that the Rules Committee was reporting on tax returns. I thought that was something for the Treasury Department to do. Whether Mr. Baker's returns are in order or not, members of the Rules Committee themselves can express their own opinions. However, I was interested to note that in the papers which were included as a part of the official committee record there appears some rather interesting items. Most taxpayers are called upon to itemize such deductions, but as the reports were furnished to the committee, I see no mention of itemization. I am not unmindful of the fact that Mr. Baker, as an employee of the Senate, at a salary of $18,528.65, had at his disposal a Lincoln car. This car was at his disposal 24 hours a day for use in his official duties.

In addition to that it is interesting to note that he claimed depreciation of $560 on a 1957 Cadillac. Allegedly he was using this car also for official duties since he claimed $560 depreciation.

In addition I noticed on the report that he claimed for taxi fares and parking a deduction of $824.

In addition, there is an amount for personal air travel. As an employee of the Senate he is reimbursed by the U.S. Government for his travel on official business. But, in addition, we find Mr. Baker, according to the report furnished the committee yesterday, claims a deduction of $2,565.93 for air transportation.

Altogether this makes quite a little travel for a man employed on full-time duty in the Senate who has a car at his disposal all the time.

I merely list these items for what they are worth.

As a business deduction, Mr. Baker claimed $511.30, in entertainment expenses. In his official status in the Senate he claimed another $1,521.24 as entertainment expenses. I notice another item for flowers in the amount of $115.33; for meals and lodgings while out of town he claimed $427.33. Deduction for club dues, which I understand includes the dues for the Quorum Club, amounted to $490.71.

In addition to these deductions I understand on his 1962 tax return there is a $40,000 item which he admits receiving as a fee from somewhere. Mr. Baker took the fifth amendment as to who paid this fee.

In the light of these nonitemized deductions I wonder how anyone could say within any degree of accuracy that all of this has now been accounted for and that there is nothing wrong with his tax returns. I fail to understand that conclusion. Mr. Baker has taken the fifth amendment before the committee and has flatly refused to cooperate. Now, unless there has been some more off the

record meetings between the committee and Mr. Baker or his counsel which we do not know about, I do not know how they could have verified these various items. Significantly, no itemized report is included as a part of the documents which are officially a part of the committee record.

I raise this point because I do not think any Member of the Senate should try to prejudge the tax returns of Mr. Baker by charging that they are out of order, but likewise I do not think that anyone should try to create the impression that they are all in order when it is obvious that none of us as Members of the Senate have any knowledge whether they are right or wrong. That is the responsibility of the Treasury Department. Our responsibility in this investigation is solely to find out what has been going on and report whether there has been improprieties of a moral or business nature, or any conflict of interest, and so forth.

Now, there is no question but that this off-the-record meeting of this key witness with Baker's attorney was arranged by the Rules Committee. As evidence of this I quote the questions which I asked Mr. Hauft:

Senator WILLIAMS. Did Mr. Bennett Williams know that the Mr. Hugler who accompanied you on this trip was a representative of the Senate Rules Committee?

Mr. HAUFT. Definitely yes, because Mr. Hugler presented his credentials to Mr. Williams.

Senator WILLIAMS. And had this meeting between you and Mr. Bennett Williams been arranged by the Senate Rules Committee?

Mr. HAUFT. Yes, because I had no knowledge of it before they so advised me at 3:30 p.m. on March 23, 1964.

I am not a lawyer, but I will say as a layman that I was always given to understand that the prosecuting attorney did not send his key witness down to the defense counsel for an off-the-record interview before he put him on the stand. To me that procedure appears to be highly improper.

Mr. SCOTT. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield for a question.

Mr. MAGNUSON. Mr. President, the Senator from Hawaii has the floor.

The PRESIDING OFFICER. The Senator from Hawaii yielded the floor. The Senator from Delaware has the floor.

Mr. WILLIAMS of Delaware. I yield for a question.

Mr. SCOTT. My question turns on the $820 to which the Senator has referred, for taxi fares, while Mr. Baker was secretary to the majority. In view of the fact that he had a full-time occupation with the Senate, supposedly, and in view of the duties of his office—and, incidentally, he took the fifth amendment, and would not state what his duties were, although we are aware of what they were—and in view of the fact that some of the duties of his office included the ascertaining of the whereabouts of Senators, members of his party, and in ascertaining how they might be expected to vote on given issues, I am wondering whether or not Mr. Baker would have to spend $820 in taxi fares.

Does the Senator think it would be necessary to round up Senators from the majority side to the extent that it would require Mr. Baker to spend that much money? I may say that from my experience I would not expect it would be necessary, with two automobiles at his disposal.

Mr. WILLIAMS of Delaware. In view of the fact that Mr. Baker had an official Government car at his disposal 24 hours a day, I do not know how he found time to utilize $2,565 worth of air travel and to spend $824 for taxi fares, and do all the entertaining—over $2,000—which is alleged he had done. It must have been rather expensive entertainment and far above what we are accustomed to.

I make one further point. Unofficially, I talked with a representative of the Treasury Department who indicated:

Well after all, these signatures of the accountant on the returns are not Mr. Hauft's signatures. They were put there by some person unknown, but it is not a criminal forgery.

I never heard that there were two types of forgeries.

I asked what he meant; he said that Mr. Baker did not try to write the name in the same manner, in the same style. I fail to see that there is any difference. If a man's signature appears on a tax return along with the forged name of an accountant obviously it has been done with the intention of creating the impression that the accountant had audited his income and expenditures for the year.

I submitted this question to Mr. Colin F. Stam, chief of staff of the Joint Committee on Internal Revenue Taxation, and Mr. Stam's letter was placed in the RECORD yesterday. Mr. President, for continuity, I ask unanimous consent that Mr. Stam's letter again be printed in the RECORD at this point.

This is an important point in this case.

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

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
*Washington, March 25, 1964.*

Hon. JOHN J. WILLIAMS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR WILLIAMS: This is in response to your inquiry regarding the penalty provisions applicable in a situation where a tax return has been filed with a forged signature of a preparer of the return.

Under the Internal Revenue Code, such an offense may be prosecuted under section 7206(1) or under section 7207. Section 7206 (1) provides:

"Any person who—

"(1) Declaration under penalties of perjury.—Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or".

* * * * *

"shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than 3 years, or both, together with the costs of prosecution."

Section 7207 of the Internal Revenue Code relating to fraudulent returns, statements, or other documents provides:

"Any person who willfully delivers or discloses to the Secretary or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Any person required pursuant to section 6047 (b) or (c) to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both."

Such an offense may also be prosecuted under section 1001 of the Criminal Code of the United States (title 18, U.S. Code), which provides:

"SEC. 1001. Statements or Entries Generally. Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

Sincerely yours,

COLIN F. STAM,
*Chief of Staff.*

Mr. WILLIAMS of Delaware. It is important to establish beyond any doubt the fact that a taxpayer cannot forge an accountant's name on his return as the preparer of the return. If it is not his signature he is violating the law and must pay the penalty. That is the law. If it is not accepted as the law, then our whole enforcement provision under the Revenue Code falls down.

There are two sections of the code which provide a penalty for affixing a false signature. Those provisions were put in the law at the time we removed from the code the requirement that the return be sworn to before a notary. There is no question about the law. There is but one kind of forgery.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. The Senator is aware, is he not, that on the income tax return, above the place for the signatures, there is the notation that a person subscribing his name thereto is aware that any false statement by him renders him liable to criminal prosecution for perjury? That is at the bottom of the income tax return, is it not?

Mr. WILLIAMS of Delaware. Yes. Mr. Stam in his letter states that a person who is guilty of such an act shall be guilty of a felony and upon conviction shall be fined not more than $5,000 or imprisoned not more than 3 years, or both, together with the costs of the prosecution.

Mr. SCOTT. The Senator is also aware of the fact that there are criminal statutes which make it illegal to put anything in a Federal income tax return for the purpose of deceiving the Government, or withholding information from the Government, or for misleading the Government. Is that correct?

Mr. WILLIAMS of Delaware. That is correct. Mr. Stam also stated it appears under section 7207 of the Internal Revenue Code, which is tied to the penalty provision of section 1001 of title 18.

Mr. SCOTT. Is the Senator from Delaware further aware of the fact that yesterday I inquired, with respect to the income tax returns allegedly signed by Baker, with the name of Mr. Hauft—and incidentally, Mr. Hauft's initials are M. L.—as to whether they had in fact been signed by the same man, and whether they had been signed in Mr. Baker's own handwriting, and I asked the committee to consider calling in a handwriting expert to determine that point, inasmuch as we are circumscribed in the questions we can ask under the internal revenue laws, and I was advised by counsel that that would be considered, but counsel said there might be other ways in which we could get the same information.

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

Mr. SCOTT. I am not finished. I do not want this investigation to close—I do not want it to close in any event at this time—but I do not want it to close without our having ascertained whether or not Mr. Baker signed the name of Mr. Hauft on the return and whether he signed the name of Mr. Hauft on the return of the Carousel Motel.

Mr. WILLIAMS of Delaware. It is important to find out who forged the name of the accountant on the returns. However, the advice I received was that whoever files a return bearing a false signature assumes the responsibility. Mr. Baker filed these returns. He therefore assumed the responsibility for the forged signatures. Conceivably, he could say, "That is a forged tax return; I did not sign it." He could say, "I did not even sign my own name to the report." In that event Mr. Baker would have no tax return filed, and there would be two forgeries and a tax evasion. However, the burden of proof comes back on the taxpayer; he has verified all this information on the return and he has certified the signature when he signed it. Mr. Baker has to do more than take the fifth amendment to get out of this one.

This is a clear-cut case for the Department of Justice.

Mr. SCOTT. Is the Senator aware of the fact that when the Committee on Rules and Administration, under the direction of the majority, sent subpenas to various banks having made loans or having had other transactions with Mr. Baker, certain of those subpenas were carefully drawn to contain in the demand for the records from the banks a blanket demand for any records pertaining to the tax return or any papers that were related to the tax returns of Mr. Baker and his wife; but—and I repeat this and I ask Senators to give careful attention to this—but that on the subpena for Mr. Baker to testify there was no demand in it that Mr. Baker produce his own income tax return, copies of his return, and his working papers, or anything directly pertaining to the return of Mr. Baker and his wife, even though Mr. Baker, and not the banks, would be expected to know the most about his tax return, but probably would have no information whatever on it. Was the Senator from Delaware aware of this strange omission?

Mr. WILLIAMS of Delaware. I was not. I have not seen the subpenas.

Mr. SCOTT. Mr. President, I ask unanimous consent to insert the subpena in the RECORD.

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

UNITED STATES OF AMERICA,
CONGRESS OF THE UNITED STATES.

To ROBERT G. BAKER, *Washington, D.C., Greetings:*

Pursuant to lawful authority, you are hereby commanded to appear before the Committee on Rules and Administration of the Senate of the United States on February 19, 1964, at 10 a.m., at their committee room, 305 Old Senate Office Building, Washington, D.C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and produce for the period January 1, 1960, through October 7, 1963, the documents described in schedule 1, attached hereto and made a part hereof.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To W. E. Meehan to serve and return.

Production of these records at the office above-described will be waived at this time, if made available for inspection forthwith to the committee's investigators.

Given under my hand, by order of the committee, this 14th day of February, in the year of our Lord 1964.

———, ———,
*Chairman, Committee on Rules and Administration.*

SCHEDULE I—A PART OF SUBPENA OF ROBERT G. BAKER

1. All records, memorandums, and documents showing payments in money or property made to Robert G. Baker by Don B. Reynolds.

2. All correspondence or documents relating to promissory notes or other obligations from Robert G. Baker to Don B. Reynolds, together with any contracts or agreements between them relating to any or all business or financial transactions.

3. All of the correpondence files of Robert G. Baker concerning the Mortgage Guaranty Insurance Corp., and the issuance and sale of its capital stock to him or other persons upon his request and at his direction, including all documents disclosing Robert G. Baker's beneficial interest in the stock of that company; whether issued in his name or the names of others.

4. All memorandums or correspondence or other communications with Internal Revenue Service or other public officials or agencies concerning the effect of the provisions of the Internal Revenue Code upon the income tax liability of MGIC.

5. All agreements, memorandums, or documents relating to Robert G. Baker's stock ownership in Serv-U from the date of its organization, including payments by him to the company and the company to him or anyone else for his benefit.

6. All letters, memorandums, or documents showing the receipt by Robert G. Baker of money from Capitol Vending or any of its officers or employees.

7. All records or documents concerning the Haitian Meat Co. (HAMPCO) for the years 1961, 1962, and 1963, and all payments to him or anyone for his benefit by that company; all such records concerning William Kentor or Packers Provision Co. of Chicago, Ill., and payments made by either of them to him or anyone for his benefit; all records, correspondence, memorandums, and agreements between Robert G. Baker and Jose Benitez or Andres Lopez or Marshall F. Dancy.

8. All correspondence, memorandums, and documents relating to business or financial transactions with Fred Black, Thomas Webb or Francis Law, either as individuals or representatives of others.

9. All correspondence, documents, and memorandums relating to chainstores, or association of chainstores, or trade associations or organizations with persons registered as lobbyists with the Secretary of the Senate or the Clerk of the House of Representatives.

10. All documents, letters, telegrams and other memorandums concerning communications with and visits to the North American Aviation Corp. and other corporations having defense contracts with the U.S. Government or agencies thereof.

11. Any and all correspondence, documents or memorandums between Robert G. Baker and Edward J. Levinson, Morris Seigelbaum, Jack D. Cooper and Edward Torres.

12. All bills, vouchers and evidence of expenditures for equipment and furnishings installed into the Town House located at 308 N Street NW, Washington, D.C.

Mr. SCOTT. Is the Senator further aware of the efforts of the minority members of the Committee on Rules and Administration to secure the attendance and testimony of Mr. Baker's employees while he was secretary to the majority; specifically, Mrs. Broom, the former wife of Mr. Baker's law associate, Mr. Tucker; of one Rein Vander Zee, only recently released from his duties as a member of that staff—and I say "released," not "resigned," as voluntarily resigning, as we doubtless will be told he did. I prefer to use the word "released" in view of what Mr. Vander Zee has been telling around town. The third employee was Mr. Jay McDonnell.

Is the Senator from Delaware aware of the fact that in our efforts to secure the testimony of people who worked under Mr. Baker, we were defeated by 6 votes to 3 in the Committee on Rules and Administration and are, therefore, prevented from learning any of Mr. Baker's activities, so far as those employees could cast light on them?

Speaking for myself, I am further prevented from learning something I am pursuing, so far fruitlessly, with respect to a line of questioning as to what gifts of campaign contributions, if any, either Mr. Baker or his wife may have received, and particularly what he did in apparently misappropriating $1,500 in campaign funds which he received for the benefit of one Preston J. Moore, who, I believe, is from Oklahoma City.

Is the Senator from Delaware aware of how the minority members of the committee have been frustrated and denied the opportunity to hear the testimony of the very people who worked with Mr. Baker, who would know the most about his operations, and whom the committee, using the brute force of its majority membership, decided not to call, by a vote, as I recall, of 6 to 3? Is the Senator aware of that?

Mr. WILLIAMS of Delaware. I have read in the press that a decision has been made not to call certain witnesses. I deeply regret such a decision having been made. I do not think we have answers

to the many questions which have been advanced during the course of this investigation.

We can be satisfied with nothing less than full disclosure regardless of who may be involved.

Mr. PELL. Mr. President, without in any way making a judgment on Mr. Baker's tax returns or usurping the responsibility which clearly lies with the Treasury Department in any prosecution that may be necessary from any error that might be in these returns, there are a few points that I think the RECORD should show in response to some of the questions raised by the Senator from Delaware [Mr. WILLIAMS] and the Senator from Pennsylvania [Mr. SCOTT].

The reason why it was decided in the Committee on Rules and Administration yesterday not to engage an expert or consultant to make a handwriting analysis was that this is already being done by handwriting experts at the Internal Revenue Service. This is a matter of public record in the open hearings.

Another point was that the rather generous $824 deduction for taxi fares was, according to Mr. Baker's records, made by the law office of Tucker & Baker, but was not an individual transaction, and did not involve an official function of the secretary of the majority.

Third, the reason why the income tax returns of Mr. Baker were not subpenaed was that they were made available to Rules Committee investigators by the Internal Revenue Service, and the committee has copies of them in its files.

## PESTICIDE BUILDUP IN WATER SOURCES

Mr. RIBICOFF. Mr. President, this will not be a silent spring insofar as the pesticide problem is concerned.

On March 19, the U.S. Public Health Service and the State of Louisiana announced that water pollution involving toxic synthetic organic materials—pesticides—appears to be the cause of massive and continuing fish kills in the lower Mississippi drainage basin and its estuarine waters in the Gulf of Mexico.

On March 24 the British Ministry of Agriculture, Fisheries, and Food placed three widely used pesticides under "severe restrictions."

The pesticide involved in the Louisiana fish kill—endrin—is closely related to two of the pesticides—aldrin and dieldrin—placed under restriction by the British.

Today it is reported in the New York Times that Louisiana authorities have informed the Public Health Service that shrimp as well as fish have been killed by the pesticide buildup in the Mississippi River.

According to available evidence, the use of pesticides responsible for this latest report of damage was not accidental, excessive, or in any way extraordinary. It was business as usual, and the complacency that has existed up to this point has got to be replaced by a new, hard look at the facts.

Mr. President, the Louisiana fish kill presents a whole new dimension to the pesticide problem. Information furnished me to date indicates unbelievably low levels of toxic material found in the dead and dying fish. These materials are found not only in the fatty tissues of the fish but in the blood as well. There is no evidence to date of accidental spills or unusually high runoffs that would account for the high fish mortality. The kills have taken place at the same time of year each year for the past 4 years.

The Louisiana fish kill should silence the pesticide apologists once and for all. I recall a recent article in Sports Illustrated entitled, of all things, "The Life-Giving Spray" which assured and reassured hunters and fishermen of a continued large stock of fish and game. This situation should silence those who repeat the "read the label" litany since all evidence points to the fact that fish kills are occurring despite use of the toxic materials as directed.

Finally, this matter raises many serious and as yet unanswered questions. What of other river basins? Is a pesticide buildup occurring now in every major water source in the United States? I have asked the Public Health Service to look into this possibility. What of the food and water supply in the affected area? I have asked the Public Health Service and the Food and Drug Administration for definitive answers. What of the Government's power to act in this matter? Is it adequate? Which agency is best equipped to cope with the problem? Are the agencies working together toward a solution? These and other questions demand prompt answers. I am announcing, therefore, that the Subcommittee on Reorganization and International Organizations will resume its hearings on the use of pesticides in 2 weeks in order to get them.

I ask unanimous consent to have printed in the RECORD a copy of the Public Health Service announcement on the Louisiana fish kill, an article from the New York Herald Tribune entitled "Science Tracks Down a Fish Killer," an article from the New York Times entitled "Pesticides Fatal to Gulf Shrimp," and a copy of the letter to the Public Health Service from the Louisiana Health Department.

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

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE,

*Washington, D.C.*

The U.S. Public Health Service and the State of Louisiana have announced that water pollution involving toxic synthetic organic materials appears to be the cause of massive and continuing fish kills in the lower Mississippi drainage basin and its estuarine waters in the Gulf of Mexico.

Several chemical compounds have been found in significant quantities in dead and dying fish and in the water environment, including at least two substances so far unidentified and two pesticides, endrin and dieldrin.

The announcement follows 3 months of investigations carried on by a team of engineers and scientists from the Public Health Service's Division of Water Supply and Pollution Control. The studies were made at the request of the State of Louisiana because of a series of fish deaths involving millions of fish which have taken place in the river and the gulf each fall and winter since 1960.

Both the Public Health Service and the Food and Drug Administration within the Department of Health, Education, and Welfare are intensifying their food and water protection surveillance activities in the Mississippi River Basin.

Some trace quantities of organic chemicals are normally present in drinking water supplies; levels found in the lower Mississippi Basin do not present any immediate health problems.

Aquatic life is particularly sensitive to pollution from certain synthetic organic wastes; the presence, in water, of some of these substances in proportions less than one part per billion is lethal to some fish varieties. The intensive studies underway will identify any potential hazards to health from the consumption of fish in which toxic substances may be concentrated.

Examination of dead and dying fish, of mud, and of the river water has shown the presence of a number of synthetic organic materials. Recently developed measuring techniques enabled Public Health Service scientists to detect and measure these substances in quantities as small as parts per trillion. The analyses were made independently by five teams of investigators, four within the Public Health Service and one private research team.

Biologists of the Fish and Wildlife Service of the U.S. Department of the Interior have ruled out parasitic or bacterial disease as the cause of the fish kills. Metals and environmental conditions such as low dissolved oxygen and drastic temperature changes have also been ruled out as causes of these deaths.

In cooperation with several States in the Lower Mississippi Basin, the Division of Water Supply and Pollution Control of the Public Health Service is establishing a continuing study to determine the water pollution control measures necessary to protect these waters for all legitimate uses. Scientists and engineers are being assigned to the area and will be supported by several laboratories of the Public Health Service. Other Federal, State, and local agencies are expected to participate in this effort.

The Public Health Service's studies are now being reviewed by other Federal agencies including the Department of Agriculture, and the Department of Interior's Bureau of Sport Fisheries and Wildlife and Bureau of Commercial Fisheries of the Fish and Wildlife Service.

[From the New York Herald Tribune, Mar. 23, 1964]

SCIENCE TRACKS DOWN A FISH KILLER—MISSISSIPPI PLAGUE BLAMED ON PESTICIDE

(By Stuart H. Loory)

WASHINGTON.—Dead fish by the millions. Louisianians along the bayous and levees of the lower Mississippi and Atchafalaya basins last winter could see the bloated bodies of catfish, menhaden and speckled and white trout on the banks and floating on the water as far as the eye could see.

Tugboat captains said the strange fish kill had spread up the river as far as St. Louis. The kill even spread into the Gulf of Mexico. Ducks were dead. There were reports that the higher orders of water life—turtles, porpoises and whales—had been found dead, but these were never confirmed.

The great fish kills were almost expected as the fall turned to winter and "Ole Man River," completing another year in its eternal wandering, slowed and grew shallower. Rivermen had watched the same phenomenon in 1960, 1961, and 1962.

What had brought the great silence to the waters of the river? In the first 3 years—while Rachel Carson's book, "Silent Spring," was sparking fervent debate in the Nation—Louisiana health and wildlife authorities investigated.

They looked for some strange spillage into the river—the introduction of a poison accidentally—and they found none.

They looked for pollution of raw sewage and found nothing more than normal.

They looked for a change in water temperatures and found none.

They looked for a bacterial and viral disease affecting the fish and found none. This year, they looked for botulism after the Great Lakes whitefish scare but found none.

CRITICAL TESTS

They even considered pesticides but tests found none of the toxic bug killers in the water, the Mississippi mud, or the fish. But that was 3 years ago and since then, chemists have grown more sophisticated in the way of finding organic substances.

Three years ago, trace amounts of pesticides were measured in parts per million. Now they can be found if their quantities are as small as parts per trillion. In other words, scientists have increased their abilities to measure pesticides a millionfold.

That fact is important in considering the Mississippi fish kills. Last December, the State of Louisiana called on the U.S. Public Health Service's Division of Water Supply and Pollution Control to solve the mystery.

Last week, the commission found there was enough pesticide endrin in the blood of the dead fish to kill them. In addition, the scientists established that the pesticide dieldrin also in the fish as well as DDT, DDE, another pesticide, and two unidentified compounds that are probably products of the pesticides' action within the fish.

THE CLINCHER

Using newly developed analytical methods, the scientists found almost unbelievably small amounts of pesticides up and down the Mississippi River. Then they took samples of dead and dying fish, froze them and shipped them to the Public Health Service's Taft Sanitary Engineering Center in Cincinnati. At the laboratory, they found that fish took the pesticides in, but did not excrete them. Concentrations of the chemical built up one thousand fold compared with the amounts in the water the fish came from.

In further tests, scientists took uncontaminated fish and fed them endrin. It took far less to kill them than they had found in the dead Mississippi catfish.

"How does Rachel Carson look now?" a reporter asked a group of Public Health Service officials and scientists last week.

"She looks pretty good," one answered, still stunned by the unbelievably small quantity of pesticides that got into the water.

Dr. Leon Weinberger, chief of the water pollution division's branch of applied science, is not yet ready to say that endrin or dieldrin killed the fish. There could be more to it than that, though everything points in that direction.

"This is just the beginning of our investigation, not the end," he said. "There are lots of unanswered questions."

A carefully worded press release from the Public Health Service says:

"Some trace quantities of organic chemicals (such as pesticides) are normally present in drinking water supplies; levels found in the lower Mississippi basin do not present any immediate health problems."

The key word in that committee-written statement is "immediate." The people of New Orleans can drink Mississippi River water today, which contains some endrin. It won't kill them. But Dr. Weinberger and his colleagues are frankly worried about the future.

They want to establish whether the Mississippi—definitely unsafe for fish—is safe for other uses such as drinking water, irrigation, recreational, or commercial use. The fact is that catfish—the bottom-feeding species that sucks food out of the river silt and the fish most affected—is an important part of the diet in the gulf coast region.

DIET PROBLEM

"We are all concerned about people eating fish," James B. Coulter, an official in the Division, said.

The Food and Drug Administration is also concerned—and not only about catfish. Clams and other shellfish on the river bottom have been tested and the pesticide has been found. The FDA has previously ruled that no foods can be marketed with any amount at all of endrin. But that was prior to the new testing techniques that allow detection of far smaller quantities.

The FDA is now investigating to determine whether any action should be taken. Possibilities include a ban on the use of endrin, regulation of its use, or a ban on any foods containing it. Such actions would, of course, have far-reaching repercussions in the fishing and farming industries.

There are still more unanswered questions for example:

Where did the pesticides come from?

Suggested answer: The Mississippi drains one-quarter of all the farmland in the United States. The pesticides are widely used in controlling menaces to grains. Some find their way into the river by simply washing off the land in a rain. Others are dumped in by careless airplane spraying operations, and still others when farmers wash out pesticide containers for reuse and let the water run out sewage systems that drain into the river.

LETHAL WINNER

Why do they concentrate on the river bottom and why do the fish only die in the winter?

Suggested answer: It could be that in the winter, the river slows down and the pesticides have more of a chance to drop to the bottom. Or maybe it's diffused throughout the water and the fish, which concentrate the chemicals in their fatty tissues, use up more fat to keep warm in the winter, allowing the pesticides into their bloodstreams.

What are the dangers to humans?

The scientists don't know.

Why are salt water fish in the gulf—where the pesticide concentrations are even smaller—dying?

Suggested answer: Maybe their tolerance to the chemical is less than in river fish.

"This all opens up a new dimension in water pollution research," Dr. Weinberger said. "It won't be right to put all the blame on endrin and take endrin off the market. Because it will happen again with another chemical and another."

As man tampers with his environment more and more, the desperate need for some basic understanding of the scientific principles involved becomes ever more apparent. That's the real lesson 'Ole Man River's' dead fish have brought home in earnest.

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[From the New York Times, Mar. 25, 1964]

BRITISH RESTRICT THREE PESTICIDES—POTENTIAL PERIL TO HUMANS IS CITED BY GOVERNMENT

(By John Hillaby)

LONDON, March 24.—Three widely used pesticides related to DDT have been placed under severe restrictions by the British Ministry of Agriculture, Fisheries and Food. They are aldrin, dieldrin and heptachlor.

Because they persist in the soil for a long time, these pesticides are feared as potential hazards to human health.

Announcing the restrictions in the House of Commons today, Christopher Soames, the Minister of Agriculture, said that he had been advised to limit their use by a committee of scientists who had been investigating poisonous substances used in agriculture and food storage.

The committee, he said, found no evidence of any "serious immediate hazard" to humans from the use of these pesticides or to wildlife, apart from certain species of predatory birds.

He rejected the suggestion that these chemicals "many be severe liver poisons or that they can be condemned as presenting a carcinogenic hazard to man."

"On the other hand," he said, "the committee regard it as a matter of concern that traces of the chemicals are being found in so many situations and express the firm opinion that accumulative contamination of the environment by the more persistent organo-chlorine pesticides should be curtailed."

By "curtailed" the Minister meant that fertilizers, seed dressings, sheep dips and garden products containing aldrin, dieldrin and heptachlor would no longer be available in a few months, except in one of two specific instances such as in the precision drilling of seed.

MANUFACTURERS DISSENT

The Minister said that the manufacturers of aldrin and dieldrin had informed him they "disagreed strongly with the committee's scientific conclusions since their own researchers suggested that, after reaching a certain harmless level of concentration, the chemicals ceased to have any further cumulative effect."

This viewpoint has been rejected as "unproven" by Sir James Cook, a fellow of the Royal Society and the chairman of the committee of 25 scientists appointed to investigate the dangers of pesticides.

A section of the committee found that the present use of organo-chlorines in Britain was "excessive in terms of resulting benefits."

This group reported that if all the pesticides investigated were withdrawn the annual potential loss of crops would be no more than 250,000 acres out of the total of more than 7.6 million now under cultivation and that the loss could be reduced to about 75,000 acres by the use of less harmful chemicals.

Fears about the side effects of aldrin, dieldrin and heptachlor were first expressed in 1957 by various bird and animal protection societies. Since then large numbers of seed- and worm-eating birds have been found poisoned each spring and birds of prey such as hawks, falcons and eagles have been greatly reduced, some to the point of near extinction.

A recent Ministry of Health report, "For the Guidance of Medical Practitioners" said that endrin was more toxic than the others and that no specific chemical tests for endrin poisoning existed.

A separate Government report on endrin and four other pesticides reputed to be dangerous (endosulfan, chlordane, toxaphene and rhothane) is expected later this year.

The Government expects that restrictions on aldrin, dieldrin and heptachlor will increase sales of DDT. The investigating committee expressed hope that the pesticide industry "will do its utmost to produce less persistent alternatives."

The committee found that "DDT is at least as persistent as dieldrin in the soil" and that half the original amount of it applied could be detected between 2½ and 5 years later.

The persistence of an alternative pesticide recommended called BHC (benzene hexachloride) is less than that of DDT, the committee's investigators said.

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[From the New York Times, Mar. 26, 1964]

PESTICIDES FATAL TO GULF SHRIMP—AUTHORITIES FEAR POISONING OF COMMERCIAL AREAS

(By Donald Janson)

NEW ORLEANS, March 25.—Louisiana authorities said today that shrimp as well as

fish had been killed by pesticides found in the mud and water of the Mississippi River.

Dr. James R. Strain, president of the Louisiana Board of Health, said it was not certain whether the pesticides were poisoning only the small shrimp found in the river or also the popular larger variety harvested commercially in the Gulf of Mexico.

He said State and Federal agencies had begun investigations to find out.

Gulf shrimping is a multimillion-dollar industry here. It was assumed at first that the contaminated water of the Mississippi would be sufficiently diluted by the gulf so it would not affect shrimp and oysters.

Now, Dr. Strain has reported, in a letter to the Public Health Service in Washington, that endrin, dieldrin, heptachlor, DDE, and DDT have been found in Louisiana shrimp.

EFFECTS OFF COAST UNKNOWN

Reached in Baton Rouge today after the letter had been made public, Dr. Strain said it remained to be determined whether big commercial shrimp grounds off the coast were affected.

He expressed concern over the possible cumulative effects on human health of eating any seafood containing traces of toxic pesticides.

In the letter, he asked the Public Health Service to provide "the earliest possible assistance" in determining human tolerances to pesticides that might be consumed in seafood or drinking water.

New Orleans and other Mississippi River cities take their drinking water from the river. Even after treatment of the water, traces of endrin and dieldrin remain, Dr. Strain said.

Millions of fish were found dead in the Mississippi this winter, for the fourth year. The cause was a mystery to Louisiana authorities until the Public Health Service applied new testing techniques this winter and announced last week that the Mississippi contained sufficient amount of endrin and dieldrin to kill the fish.

Synthetic pesticides such as these have been used in steadily growing amounts since 1957 to kill insects that plague corn, cotton, sugarcane, and other crops. More than 700 million pounds of the potent chemicals now are applied annually.

The lower reaches of the Mississippi are walled in by levees. Authorities believe the pesticides found in the water here entered by way of tributaries draining cropland farther north.

The killing of the fish begins each fall and has been worsening. Authorities believe that the fish may store the lethal poison in fat until it is needed in cold weather for metabolic sustenance, then die when it is drawn into the bloodstream.

The board of health asked for a Federal investigation to make sure of the source of the pollution, as well as for prompt aid in determining human tolerances over the years to the minute amounts of insecticides found in the water and seafood.

In letters to each member of the Louisiana congressional delegation in Washington, Dr. Strain wrote that the Public Health Service had indicated a willingness to help but "it appears that they are not able to make a maximum effort because of limitations imposed by their current budget."

Other State health officials called for Congress to provide the money.

Last May, the President's Science Advisory Committee, after long study, urged strong action to assure more judicious use of pesticides.

Yesterday the British Ministry of Agriculture, Fisheries, and Food sharply restricted the use of aldrin, dieldrin, and heptachlor as potential hazards to human health.

LOUISIANA STATE BOARD OF HEALTH,
*New Orleans, La., March 20, 1964*

Dr. R. J. ANDERSON,
*Assistant Surgeon General, Chief of Bureau of State Services, Environmental Health, Washington, D.C.*

DEAR DR. ANDERSON: I am sure you are familiar with the news release dated March 19 by your division of water supply and pollution control regarding the presence of insecticides in the lower Mississippi River, however, I am inclosing a copy of the release for your ready reference.

The finding of insecticides in the Mississippi River water and in Mississippi River fish poses a problem which appears to be beyond the capability of State boards of health and other State agencies to solve.

Endrin has been found in dead and dying bottom-feeding fish in concentrations up to 7 parts per million; endrin has been found in raw river water by carbon filter extraction in concentrations ranging from 0.054 to 0.134 part per billion, and dieldrin in concentrations ranging from 0.011 to 0.034 part per billion; endrin has been found in New Orleans finished water in trace quantities of 0.025 part per billion and dieldrin at less than 0.0027 part per billion.

Heptachlor, DDE, DDT, dieldrin, and endrin have been found in shrimp.

The areas in which we need help (and we feel that the Public Health Service is the agency to give us this help are as follows:

A. Determination of the specific sources of insecticides found. Although the concentrations seem to increase in reaches of the Mississippi River in Louisiana there is really no drainage to the river from Louisiana soils and there are no Louisiana industries discharging insecticide wastes into the river.

B. Technical assistance in the analysis of water and food samples.

C. Technical assistance in the evaluation of water treatment plant operations to effect maximum insecticide removal.

D. Assistance in determining the toxic level to humans of insecticides. The information needed includes both chronic and cumulative effects.

Please consider this a formal request to your agency for the earliest possible assistance in solving these and related problems.

Very truly yours,

JAMES R. STRAIN, M.D., M.P.H.,
*State Health Officer.*

## BYELORUSSIAN INDEPENDENCE DAY

Mr. JAVITS. Mr. President, the 46th anniversary of the day in 1918 when the Byelorussian Democratic Republic proclaimed its independence was celebrated this year on March 23. It marks the determination of an ancient people to maintain their identity apart from the Russian conqueror and to keep alive the hope of eventual liberty and independence.

Under Soviet domination the Byelorussian people have been subjected to ruthless persecution, economic exploitation, and harsh oppression. Their efforts to assert independence have been crushed by mass deportations, imprisonment, and executions. Their hopes are with us, and we should continue to press the issue of freedom in the United Nations and to focus world attention to the injustice suffered by the Byelorussian people. They reflect the indomitable spirit of men who are willing to fight and die for freedom.

## THE PASSOVER

Mr. DODD. Mr. President, at sundown Friday, March 27, Americans of the Jewish faith will begin an 8-day observance of Passover, one of the most important holidays of the year. Passover is known as the Feast of Liberation because it commemorates the delivery of the ancient Israelites from the bondage of Egypt.

While the bondage was a cruel one, Jews generally pay particular attention to the fact of deliverance. And this is not unrelated to the teachings of the Hebrew prophets who were concerned more with preventing new episodes of enslavement than with the slavery of the past. In this prophetic view, man can make sure of his own freedom only if he seeks to protect the liberties of those around him.

Man can be secure only if he opposes tyranny and the condition of slavery whenever and wherever he confronts it.

This is the true meaning of the Old Testament statement that "if a stranger sojourns with you in your own land, you shall do him no wrong. The stranger shall be as the native-born among you."

This is also the meaning of the Judeo-Christian maxim:

Do unto others as you would have them do unto you.

Passover, then, has meaning for all Americans regardless of their faith. Its basic purpose is to extoll freedom and to make that freedom an instrument of social justice.

Yet, today, there are all too many people who have neither freedom nor justice.

Passover is a plea to heed the cries of all who are deprived of their birthright as human beings. It is a plea that we Americans cannot, dare not, overlook.

Today, hundreds of millions of people on several continents who have tasted the fruits of freedom are denied it. A Communist tyranny, which subordinates human dignity to the will and needs of the all-powerful state, has turned free societies into grim prisons. Dictatorship has in too many places caged the spirit and energies of people who yearn for liberty and for the right of free expression.

But if we must be concerned with the Communist totalitarianism abroad, we must also be concerned with the limitations placed on the rights of some of our own people here at home.

We must act to see to it that those who are denied the right to vote secure that right.

We must assure equal access to employment and educational opportunities to those who lack it.

We must find in our legal system and in our hearts the means for seeing to it that all men are guaranteed in fact the rights and privileges which are theirs in theory.

James Russell Lowell has well caught the spirit of why we must do these things. In an inspiring poem, he has written:

> Men, whose boast it is that ye
> Come of fathers brave and free,
> If there breathe on earth a slave,
> Are ye truly free and brave?

If ye do not feel the chain
When it works a brother's pain,
Are ye not base slaves indeed,
Slaves unworthy to be freed?

No; true freedom is to share
All the chains our brothers wear,
And with heart and hand to be
Earnest to make others free.

On this day, as Christians prepare for their own Easter holiday, there are many reasons to recall that there is such a thing as the brotherhood of man and the fatherhood of God. There is good reason to recall that the liberation of mind and body to which Passover is dedicated is a liberation which free men of all faiths must ever seek.

There is then in the Passover holiday both a cherished memory of the past and a call for resolution in strengthening the foundations of freedom in the future. We must heed that call, demanding though it may be, if we are to assure the durability of our own free way of life.

## SILVER ANNIVERSARY OF VERY REV. MSGR. DONALD CARMODY

Mr. CANNON. Mr. President, on March 19, the Very Reverend Monsignor Donald Carmody, the first native Nevadan ever to be elevated to the Catholic priesthood, celebrated his silver anniversary.

Monsignor Carmody was born in Reno, Nev., educated there, and was graduated from the University of Nevada. On March 19, 1939, he became a priest in ceremonies held in St. Thomas Aquinas Cathedral with the Most Reverend Thomas K. Gorman, then bishop of Reno, presiding.

During the next 25 years, Monsignor Carmody was to distinguish himself with a zeal and dedication which almost claimed his life. It was after World War II, while teaching and directing welfare activities in Reno, that he suffered a heart attack and hovered near death.

Miraculously, he recovered and went to Las Vegas where his dedication and enthusiasm contributed significantly to the growth of the Catholic Church, and his contributions in the field of welfare won for him the respect and esteem of persons of all faiths.

It seems especially significant, Mr. President, that Nevada's first native son to be ordained is celebrating his silver jubilee in the same year that Nevada celebrates the 100th anniversary of statehood. Monsignor Carmody is representative of the young men who are born in Nevada, who grow up knowing of the problems and goals of her people, who answer the call of God, and who return to do His work in the State of their birth.

The Reverend Leo E. McFadden, editor of the Nevada Register, captured with beauty and simplicity the story of Monsignor Carmody's 25 years of priesthood, and I ask unanimous consent to have printed in the RECORD Father McFadden's article entitled "Two Plain Cents."

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

TWO PLAIN CENTS

(By Leo E. McFadden)

The little boy gave his 50 cents. It was for a gift. All the children in the school were going together to buy the man a present, to buy the principal a gift for his 25th anniversary. The principal was a priest.

Twenty-five years, 50 cents. Two pennies a year for half a lifetime. What had he done to earn such a reward? We all know what a priest does. What did this priest do?

The time was 1939. He had been born in Reno, gone to school in Reno and graduated from the university in Reno. He had been baptized in the cathedral in Reno and now he was a young man standing before the Bishop of Reno in that same church. That day in March, 25 years ago, he became the first native Nevadan to be ordained for his home diocese.

In no time at all he was the pastor of a small parish out on Highway 40, getting his taste of the Nevada missions. This assignment was only too short, however, and he was never again to enjoy the independence of parochial leadership. Off to school he went, to return with his degree in social welfare. In the early 1940's he established the first welfare office in Las Vegas.

The war had come along and his pastor in Las Vegas went down to take the physical for the Navy. He thought about getting into the Army, but they told him he had a bad heart. And so it was that he was to stay on to run the little parish there and, of course, to maintain the welfare as well.

After the war he was called to Reno to take over the welfare office. The trip north was hardly worthwhile, for the combination of social work and teaching caught up with him. The heart attack was so severe that he was anointed and all but given up for dead. Somehow he recovered and southward he journeyed again for the lower altitude and a chaplaincy at a hospital. This would give him a chance to recover sufficiently without the omnipresent doorbell or telephone or regular schedule of rectory life.

But this was the very thing for which he had been ordained. He was supposed to be "all things to all men," to serve mankind as best his frail qualities would allow. Surely, then, this period of confinement, of restoring his health, had to be one of the great sadnesses of his priesthood.

Back he went again to welfare work in Las Vegas, with just part-time ministry in a parish. As time went on he was to fill in wherever he was needed in the ever-growing southland, whether it was as chaplain to a convent or teaching the public high school youngsters or just hearing confessions of the children for first Friday. There are never enough priests to go around, and every pastor knows that the man in special work can help out in a moment of need.

A parish was his for a brief span of time, but this was to be shared with the concomitant assignment of administering a high school * * * and then teaching in the high school * * * and then attending all the extracurricular activities of the high school. Then it was that he had to decide between one job or the other—for no man could do it all—and his parochial assignment was lifted from him. For 6 years he was at the school, during which time he said the 6 a.m. mass at a convent and taught CCD in the evenings and changed his place of residence five times as the need demanded it.

Twenty-three years after becoming a priest, northward he came again. He became a high school principal and for 2 years he has served in that capacity. For just four classes a day he tries to teach the youngsters. The rest of the time he spends in adjusting schedules and figuring the finances and making the announcements and attending basketball games and talking to parents and frequenting meetings and discussing problems with his teachers and sometimes, about 4 p.m., drinking a coke because he didn't take the time to eat his lunch that day.

Twenty-five years. A very drab existence. In fact, the world wouldn't give 2 cents for any one of those years. But a little boy did. His gift of 2 cents for each of those 25 years somehow made it all worthwhile.

Fact is, it made everything entirely priceless.

## JUSTICE AND CIVIL RIGHTS

Mr. INOUYE. Mr. President, the greatest wrong our Nation has ever perpetrated, in a history perhaps unmatched for honor and generosity toward mankind, is one we have inflicted on a part of our own people.

Since the days when the settlers first came to this new and wild land, Americans have been consumed with an idea that departed entirely from the thought and custom of all previous history. This idea involved a new way of looking at the character of man.

Our Government, also for the first time in history, was built on this principle. As Abraham Lincoln once said:

Most governments have been based, practically, on the denial of the equal rights of men. Ours began by affirming those rights. They said "some men are too ignorant and vicious to share in government." "Possibly so," said we, "and by your system you would always keep them ignorant and vicious. We propose to give all a chance; and we expect the weak to grow stronger, the ignorant wiser and all better and happier together."

Yet here in the first country of the world which was dedicated to this idea, in the country which has been responsible for keeping it alive in times of darkness ever since, and is responsible today, we have not worked or cared to see it scrupulously applied among our own people.

We have given reasons, some of us, and others have closed their eyes and turned their backs upon laws, practices, and attitudes which we should long ago have fought to have abolished. It has never been easy for men to forgive others for being different from themselves, whether in some superficial feature like shape or color or even in less noticeable differences, such as the minor tenets of one's religion. Laws cannot change the hearts of men, and we will not change the hearts of men by this law if indeed we are able to enact it.

Some have said to me, the Negroes have not earned full citizenship; they have not shown they will take the responsibility to be good citizens. I answer that it is hard enough just to earn a living without education, without justice in the protection of the laws, without self-respect or hope for improvement, and with hate and repugnance their all too constant welcome.

What effect would these surroundings have on any man? I do not know but I believe the Negro people have, on the whole, returned our two-plus centuries

of injustice with almost miraculous forgiveness and restraint.

To change these living habits of so long a time does not come easy, and we must do all within our power to see that the change is as little disruptive, and as little painful as it can possibly be. This will require still more restraint on the part of those who have already waited so long. But change we must, and this requires restraint on the part of those who must endure the change. This remark is not directed at the South, for what section of the country can say that it has held out its hand and heart to the Negroes in every area of human activity and in the way that must be done if they are ever to become truly members of the community.

I feel, however, that this attitude is changing. Many factors lead me to believe so, from the inspirational march in Washington last summer to the new desire for tolerance on the part of all Americans since the death of our martyred President. Injustice is, after all, alien to our natures; and its existence has exacted a price from the consciences of those who have allowed it to go on, as well from those who have suffered under it. The treatment of the Negroes and other minority peoples in our country has been, as the poet Archibald MacLeish once said:

> * * * Antithesis of America—the passionate repudiation of the American proposition, and thus the implicit rejection of America itself. * * *
>
> If the American proposition is no longer the proposition to which the American heart and mind were committed at our beginning, then America is finished, and the only question left is when she will fall.

I do not believe America will fall either now or in the future; and I further believe this one great infirmity, this inconsistency in our national character and in our view of ourselves, will in time be healed.

Although new law is not the only solution, it is part of the solution; and it is the part that we, the lawmakers, are responsible to provide. The rest must be provided in the churches, in the schools, and in the consciences of the people. As this long debate begins, let us consider that no special privileges are being sought here. This bill attempts to give by law which should have been, but has not been provided by practice—an even chance—a chance to go to school and vote and hold a job; simple things which the rest of us have enjoyed without a moment's thought. It is time for all Americans to be included in the American dream.

Justice Holmes once said that a desire for the superlative seemed to him to be "at the bottom of the philosopher's effort to prove that truth is absolute," and that those who believed in natural law made the mistake of accepting what was familiar as being something which must be accepted by all men everywhere.

I do not know whether such a thing as justice exists outside of the mind of man. But I am impressed by the fact that through the centuries, the overwhelming number of men have longed for it, have recognized its absence or presence without being told, have fought for it, and have sacrificed their lives to attain it for their posterity.

Whether it exists in the mind of man only, or whether justice is, in fact, a being of its own, its attraction seems irresistible.

Each man knows in his own heart what he believes justice to be. Let us each follow this inner dictate in the debate we have begun.

Mr. HUMPHREY. Mr. President, will the Senator from Hawaii yield?

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from Hawaii yield to the Senator from Minnesota?

Mr. INOUYE. I am very happy to yield to my leader.

Mr. HUMPHREY. Mr. President, I am very happy that it was my privilege to be here on the floor of the Senate when the able and distinguished Senator from Hawaii made his opening address on the civil rights bill. Without any lack of reverence, but in the spirit of true reverence, I wish to characterize his speech as an invocation to the proceedings which will follow.

The Senator from Hawaii has made a marvelous statement, filled with statements much more important than mere legalisms. His speech was filled with a sense of justice, compassion, understanding, and truth.

So as the Senate begins this long, yet necessary and, I am sure, at times painful, ordeal in connection with the debate on the civil rights bill, I am very much pleased that the Senate has been given the inspiration of the brief but powerful statement by the Senator from Hawaii. The beauty and the spirit of his remarks are most impressive. I commend him highly for his remarkably fine and inspirational statement.

Mr. INOUYE. Mr. President, I thank the Senator from Minnesota for his kind words.

Mr. MORSE. Mr. President, will the Senator from Hawaii yield?

Mr. INOUYE. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, those of us who have had the privilege of hearing the speech of the Senator from Hawaii are certainly better persons for having heard it.

I congratulate the Senator from Hawaii not only for his eloquence, but also for the beauty of his expression. I feel sure that in the course of the debate on the civil rights bill, his words will be quoted again and again by many persons.

Mr. INOUYE. I thank the Senator from Oregon for his kind words.

Mr. McNAMARA. Mr. President, will the Senator from Hawaii yield to me?

Mr. INOUYE. I am glad to yield to the Senator from Michigan.

Mr. McNAMARA. Mr. President, I am very happy to have had the privilege of hearing the very fine speech of the Senator from Hawaii.

Over the years, the general principles to which he has addressed himself have been stated again and again on this floor; but never before have I heard them stated so ably, so briefly, so beautifully, so clearly, and so much from the heart.

I congratulate the Senator from Hawaii on the very great sincerity and patriotism of his words.

Mr. INOUYE. Mr. President, I am very grateful to the Senator from Michigan for his kind words.

Mr. MAGNUSON. Mr. President, I join the other Senators who have spoken in commending the Senator from Hawaii for his excellent speech, which probably is much more important to me than to many other Senators, because I come from an area where many people of Japanese ancestry live. They have lived there as good citizens, and for many, many generations they have been an important part of America. At one time discrimination was practiced against them; so they understand this problem. They also understand what it means to live without discrimination.

So I congratulate the Senator from Hawaii for his powerful words, which to me are much more important than just a Senate speech.

Mr. INOUYE. I thank the Senator from Washington for his kind words.

## TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 25, 1964, the President had approved and signed the following acts:

S. 1781. An act for the relief of Antonio Credenza;

S. 1878. An act to amend the act providing for the admission of the State of Alaska into the Union in order to extend the time for the filing of applications for the selection of certain lands by such State;

S. 1976. An act for the relief of Dr. Gabriel Antero Sanchez (Hernandez);

S. 1985. An act for the relief of Giuseppe Cacciani; and

S. 2085. An act for the relief of William Maurer Trayfors.

## EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Taylor G. Belcher, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Cyprus, which was referred to the Committee on Foreign Relations.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in

which it requested the concurrence of the Senate:

H.R. 5838. An act to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities; and

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

## HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 5838. An act to amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities; to the Committee on Commerce.

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; to the Committee on Aeronautical and Space Sciences.

## EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON TITLE I AGREEMENTS UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954, for the month of February 1964 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON GUARANTEE ISSUED BY EXPORT-IMPORT BANK OF WASHINGTON

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on a guarantee issued by that Bank to Julius Schimmel, Inc., New York, N.Y., relating to dry milk to be imported by Hungary; to the Committee on Appropriations.

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on defense procurement from small and other business firms, for the period July, 1963—January, 1964 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON CHARGES REQUIRED BY PRESCRIBED GOVERNMENT POLICIES NOT ASSESSED AGAINST RECIPIENTS OF GOVERNMENT SERVICES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on charges required by prescribed Government policies not assessed against recipients of Government services, Federal Aviation Agency, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS INCURRED UNDER SEMIAUTOMATIC FLIGHT INSPECTION PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred under the semiautomatic flight inspection program, Federal Aviation Agency, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON GRANTS FOR BASIC SCIENTIFIC RESEARCH

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on grants for basic scientific research to nonprofit institutions, covering the calendar year 1963 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT TO CONCESSION CONTRACT IN YOSEMITE NATIONAL PARK, CALIF.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to the concession contract with Best's Studio, Inc., Yosemite National Park, Calif. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON APPLICATION FOR LOAN UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application for a loan under the Small Reclamation Projects Act of 1956 from the St. John Irrigating Co. of Malad, Idaho (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

A letter from the Administrative Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on extraordinary contractual actions to facilitate the national defense, for the calendar year 1963 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF NATIONAL INSTITUTE OF ARTS AND LETTERS

A letter from the assistant secretary-treasurer, the National Institute of Arts and Letters, New York, N.Y., transmitting, pursuant to law, a report of that institute, for the year 1963 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF GIRL SCOUTS OF THE UNITED STATES OF AMERICA

A letter from the president and national executive director, Girl Scouts of the United States of America, New York, N.Y., transmitting, pursuant to law, a report of that organization, for the fiscal year ended September 30, 1963 (with an accompanying report); to the Committee on Labor and Public Welfare.

## PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A petition signed by Junji Nishime, mayor of Naha City, and Ibi Nakamoto, president of the Military-Used Landowners Association of Naha City, of the island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A letter, in the nature of a petition, signed by J. David Muyskens, pastor, Pottersville Reformed Church, Pottersville, N.J., praying for the enactment of the civil rights bill; ordered to lie on the table.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 2701. A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans (Rept. No. 968).

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

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

H.R. 1794. An act to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes (Rept. No. 969).

## EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Carl W. Selin, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy, with the grade of lieutenant commander; and

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner.

Mr. MAGNUSON. Mr. President, also from the Committee on Commerce, I report favorably the nomination of Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner, and I submit a report (Ex. Rept. No. 7) thereon. I ask that the report be printed, together with the individual views of Senators MORTON, COTTON, and SCOTT.

The ACTING PRESIDENT pro tempore. The report will be received and the nomination will be placed on the Executive Calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

## BILLS INTRODUCED

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

By Mr. SCOTT:

S. 2695. 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. YOUNG of Ohio:

S. 2696. A bill to make permanent the district judgeship for the northern district of Ohio created by section 2(e)(2) of the act of May 19, 1961; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 2697. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964; to the Committee on Finance.

By Mr. LAUSCHE:

S. 2698. A bill for the relief of Linus Han; and

S. 2699. A bill for the relief of Marija Pust; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2700. A bill for the relief of Miss Marie Arcache and Miss Verdun Arcache; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. PASTORE, Mr. MONRONEY, Mr. THURMOND, Mr. LAUSCHE, Mr. YARBOROUGH, Mr. ENGLE, Mr. BARTLETT, Mr. HARTKE, Mr. McGEE, Mr. HART, Mr. CANNON, Mr. COTTON, Mr. MORTON, Mr. SCOTT, Mr. PROUTY, and Mr. BEALL):

S. 2701. A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans; to the Committtee on Commerce.

## DETERMINATION OF SITE FOR CONSTRUCTION OF A SEA LEVEL CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

Mr. MAGNUSON. Mr. President, on behalf of myself, and the members of the Committee on Commerce, Senators PASTORE, MONRONEY, THURMOND, LAUSCHE, YARBOROUGH, ENGLE, BARTLETT, HARTKE, McGEE, HART, CANNON, COTTON, MORTON, SCOTT, PROUTY, and BEALL, I introduce, for appropriate reference, a bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

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

The bill (S. 2701) to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I call the attention of the Senate to this bill, which authorizes the President of the United States to appoint a commission to study the feasibility of, and the most suitable site for, a second canal to connect the Atlantic Ocean and the Pacific Ocean.

The committee held long hearings on the subject. The members of the committee were practically unanimous in the report, as Senators will read when the report is placed in the RECORD.

The necessity of moving ahead with the project at this time is paramount.

I reiterate what was said by committee members in committee, Senators on the floor of the Senate, and witnesses who appeared before the committee. Timewise, the proposal is not a move directed at or done in connection with the present problem we have with Panama. The subject has been one of long standing in the Congress. Were there no problem with Panama at all, and were the Panamanian situation to be all cleared up—which I am sure it will be and hope it will be soon—we would still have to build another canal anyway, because all projections of shipping between the two great oceans of the world dictate that within the next 8 to 12 years a second canal, which would be a sea level canal, would be necessary and would have to be built.

Some interesting testimony was given at the hearing relative to the possibility of the use of atomic energy to dig the canal. That testimony will be laid before the Senate when we consider the bill. It is estimated that to build the canal with atomic energy would cost from 40 percent to 60 percent less than would other methods. A canal built in such a manner would be almost defense proof, because any bomb landing on such a canal might make it an even better one if the bomb should blow enough dirt out.

The Atomic Energy Commission, the Army Engineers, and other experts are now working on the great possibility of the peaceful use of atomic energy for explosive purposes. The proposal would open new possibilities throughout the world for the use of atomic energy and for nuclear power.

The testimony was very optimistic, and I am sure that when the Commission reports and we get ready to pick a site and get ready to deal with the nations that may be involved, we shall also be ready to show the world some real practical peaceful uses of atomic energy.

## ADDITIONAL COSPONSORS OF BILLS, JOINT RESOLUTION, AND RESOLUTION

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills, joint resolution, and resolution:

Authorities of March 16 and 19, 1964:

S. 2642. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States: Mr. BARTLETT, Mr. BREWSTER, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CHURCH, Mr. CLARK, Mr. ENGLE, Mr. HART, Mr. INOUYE, Mr. KENNEDY, Mr. LONG of Missouri, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MANSFIELD, Mr. McCARTHY, Mr. McGEE, Mr. McGOVERN, Mr. METCALF, Mr. MORSE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SMATHERS, and Mr. YARBOROUGH.

Authority of March 18, 1964:

S. 2648. A bill to amend the Federal Reserve Act, and for other purposes: Mr. DOUGLAS.

Authority of March 21, 1964:

S. 2674. A bill to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes: Mr. KUCHEL.

Authority of March 23, 1964:

S.J. Res. 164. Joint resolution calling upon the President of the United States to use full facilities of our Government to make arrangements for and to bring about delivery of an adequate supply of matzoth to key centers of Jewish life in the Union of Soviet Socialist Republics on an emergency basis, so that the Feast of the Passover which begins at sundown Friday, March 27, and ends at sundown Saturday, April 4, may be observed in keeping with 5,724 years of Jewish tradition: Mr. WILLIAMS of New Jersey.

Authorities of March 16 and 20, 1964:

S. Res. 305. Resolution establishing the Select Committee on Combating Poverty: Mr. BURDICK, Mr. GRUENING, Mr. HARTKE, Mr. INOUYE, Mr. McGOVERN, Mr. MOSS, Mrs. NEUBERGER, and Mr. PELL.

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

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

By Mr. SCOTT:

Three reports relating to debates on civil rights.

## EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CORRECTION OF BILL

Mr. ELLENDER. Mr. President, on March 25, I introduced a bill (S. 2687). Through an error, on line 6, page 4, the word "more" was printed, instead of the word "less."

I ask unanimous consent that in future printings of the bill, the word "more" be changed to the word "less" on line 6, page 4.

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

## COMMUNICATION FROM CLARENCE MITCHELL, DIRECTOR OF THE WASHINGTON BUREAU OF THE NAACP

Mr. MORSE. Mr. President, last week I introduced into the CONGRESSIONAL RECORD a telegram which I considered to be critical—and it was critical—from Clarence Mitchell, the director of the Washington bureau of NAACP. Clarence Mitchell and I have been friends for many years. But we have been friends whose friendship has always been able to withstand honest differences of opinion, for over the years I have differed with Clarence Mitchell several times in regard to what I considered to be the proper procedure and policies to follow in seeking to enact the best civil rights legislation possible.

I disagreed in 1957. As I have been heard to say, the civil rights bill of 1957 which was passed by the Congress was not worth the paper it was written on. It was so bad that I voted against it.

I disagreed in 1960, because again I thought the Senate threw away a great opportunity to pass an effective and desirable civil rights bill.

I disagreed with Clarence Mitchell in connection with the issue that has just been settled by a majority in the Senate. It was in regard to that issue that I received from him last week a telegram to which I took exception, and which I introduced into the RECORD.

Yesterday Mr. Mitchell came to me to make his last plea to persuade me to change my mind on my motion to refer the bill to committee. He failed, as did most of the other civil rights leaders who have lobbied me in the past 2 or 3 weeks. But I had a friendly and constructive conference with him, and in his graciousness and kindness he sent me a telegram following that conference, which he need not have sent, but which

is typical of his spirit and broadmindedness.

I ask unanimous consent that the telegram I received from Mr. Mitchell be printed in the RECORD at this point.

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

WASHINGTON, D.C.,
*March 25, 1964.*

Hon. WAYNE MORSE,
*Senate Office Building,*
*Washington, D.C.:*

Thank you for our constructive discussion this morning. It is a tribute to the greatness of our country that a U.S. Senator and a citizen who have differing views on a procedural matter are nevertheless united and determined to win on the issue of substance. In this case the substantive question is passage of a strong and effective civil rights bill. As you know I earnestly hope that the motion to render the bill to committee will be defeated but it is a great source of comfort to know when that motion is disposed of your wisdom, strength, and clear voice of reason will be working both early and late for a great human rights victory.

CLARENCE MITCHELL,
*Director, Washington Bureau, NAACP.*

## IMPROVEMENT IN TERMS OF LOANS ON THE BASIS OF GROWING TIMBER

Mr. MORSE. Mr. President, I rise in support of Senate bill S. 2259, which would permit national banks to make loans up to 60 percent of the fair market value of growing timber, land, and improvements in forest tracts. The bill would allow these terms to be extended for 15 years with yearly payments, or to 3 years, if unamortized.

This measure was introduced by Senator MCINTYRE, together with Senators AIKEN, MCCARTHY, MUSKIE, PROUTY, and SPARKMAN, on October 24, 1963. It has passed the House of Representatives and is now before the Senate Committee on Banking and Currency, which held hearings on March 4, 1964, and received favorable testimony from several witnesses.

At present, the governing legislation in the Federal Reserve Act, 12 U.S.C. 371, limits such loans to 40 percent of the value of timber which is marketable, and extends terms of from 2 to 10 years, depending on whether or not the loan is amortized. These provisions are unduly restrictive and outmoded, since State banks in many cases have far greater freedom, and in some cases have no restriction at all in this area.

This bill will thus utilize the capacity of national banks for granting loans based on forest tracts and will introduce a competitive factor which will make it easier for small forest owners and developers to obtain financing in the timber business. Testimony at the hearings emphasized the value of this provision to the small businessman in the timber industry, pointing out that the large operators are often able to secure long-term financing from a variety of sources based on their general financial condition.

In fact, legislation of this sort can greatly strengthen the "family farm" method of timber cultivation and, at the same time, encourage sound planning in forest development.

The present short-term credit arrangements discourage the small investor and operator, and because they must be based on only marketable timber, may lead to the harvesting of forest products before they have reached full maturity. The short maturity of a loan may arrive at a time when the market is depressed, thereby causing not only monetary loss to the businessman, but economic waste to the Nation.

In Oregon it is well known that standing timber is an appreciating asset and that the supply of better grade marketable timber is declining, while the prospective long-term uses of forest products are expanding. There is thus a stable market for timber products, making timberland an attractive investment for both businessmen and banks on the basis of their long-term increases in value.

As is equally well known, the small businessman does not possess ready access to capital. This legislation would thus be very helpful in increasing the liquidity in timber operations.

The bill has the support of the American Bankers Association and the Comptroller of the Currency, and I urge its passage by the Senate.

## OBJECTION TO COMMITTEE MEETINGS DURING CONSIDERATION OF THE CIVIL RIGHTS BILL

Mr. MORSE. Mr. President, turning to next to the last item that I shall place in the RECORD, I have been asked this afternoon whether the senior Senator from Oregon is still adamant in his announcement that he would object to any committee hearings being held while the Senate is in session during the debate on civil rights.

I wish to make it very clear that I am not only adamant, but I am immovably stubborn about it, if that term will satisfy anyone who would classify it as stubborn; but I am also sincere and determined about it. I am convinced that we shall never get a good civil rights bill, in a reasonable period of time, and we shall never get cloture, which will be essential to get a civil rights bill, until we bring the business of the Senate to a dead halt, except for the consideration of the civil rights bill, and until the people of the country understand the seriousness of the issue before the Senate.

A few moments ago I spoke about what I think to be the underlying principle in the civil rights bill. It is the Golden Rule of doing unto others as one would want others to do unto him. That is what this great controversy is all about, when all is said and done. There is nothing more important to our domestic tranquillity.

As I have said before as a member of the Foreign Relations Committee, there are few things more important to our standing in the world, from the standpoint of American foreign policy prestige, than our making first-class citizens of the Negroes of this country. It has never been done, because we have never delivered the Constitution to them in the 100 years since the Emancipation Proclamation.

The Senate could well afford to devote its full time to the issue of civil rights.

So I say to the majority leader and the majority whip, through their assistants present on the floor, that I shall object to any committee of the Senate meeting while the Senate is in session, under the rules of the Senate, including the Appropriations Committee, during the course of the consideration of the civil rights bill, until cloture is obtained.

## ANSWER TO THE SECRETARY OF DEFENSE

Mr. MORSE. Mr. President, I turn now to the last matter. Earlier today I announced that on Monday I would answer the comments of the Secretary of Defense made at a coffee hour this morning in the Foreign Relations Committee, and the speech he has announced will be made to the American public over radio and television tonight.

The Secretary of Defense will try once again to propagandize the American people into acceptance of what I consider to be a totally unacceptable foreign policy vis-a-vis South Vietnam.

Since I made that announcement I have been briefed about what the Secretary of Defense said to the Foreign Relations Committee this morning. It was even more unsound than I thought he could concoct by way of a chain of fallacies. Also, since I made the announcement earlier today, I have been visited by a Marine Corps officer of substantial rank. This Marine Corps officer expressed the view to me as to his complete agreement with the position that I have taken in regard to South Vietnam. So do some of the high-ranking officers in Vietnam who are charged with directing the local troops in their operations against the Vietcong. I have received some interesting correspondence from some of them.

He made a few points that I wish to repeat. This Marine officer said to me, "Senator, the morale of the American forces in South Vietnam is at a seriously low ebb, because, due to the unsound policy which the United States is following in South Vietnam. We are acting as though we are not at war, but we are killing men as though we were at war, and we are killing men because those men under the operations that we are conducting in South Vietnam are not being given the protection that they would be given if we recognized that we were at war and proceeded to act as though we were at war. The kind of operation we are conducting in South Vietnam is jeopardizing the lives of American Armed Forces in South Vietnam. That would not be necessary if we were conducting a different type of operation."

I have been heard to say on the floor of the Senate, in my criticism of the administration's policy in South Vietnam, that they ought to make up their minds whether they will fish or cut bait. They know that the American people will not support an all-out war in South Vietnam. Therefore, by subterfuge and the pretense that we are not at war, we nevertheless are conducting operations

that are killing American men in South Vietnam.

My good friend the Senator from Arkansas [Mr. FULBRIGHT], in his speech yesterday, said he thought we should get rid of the word "shocking." I intend to use it, because it is so applicable to our operations in South Vietnam. The operations of the United States in South Vietnam are shocking, completely unjustified, and unilateral. The course of action that we are following is going to label us, in the not too distant future, as a nation which is a threat to the peace in southeast Asia.

As I said yesterday, there are no Chinese in South Vietnam. There are no Russian soldiers in South Vietnam. The only foreign soldiers in South Vietnam are U.S. soldiers. What are they doing there? By what right are they there? Let the President of the United States answer to the people of the United States.

The time is coming for the Commander in Chief to speak—not the Secretary of Defense, not the Secretary of State—about this uncalled-for program of the United States in South Vietnam.

It is a sad thing that we are conducting an operation in South Vietnam which is causing fighting men to say, as a great fighting marine said to me today, "Tell us what you want us to do. If you want us to go to war, give us the support that goes along with a war operation."

I think he is right. Of course, I would vigorously oppose our going to war, because then we would be condemned by the nations of the world as an aggressor nation. If we are not an aggressor nation now in South Vietnam, we are not very far from it.

This morning the Washington Post carried a very interesting article, quoting the President of the Philippines. I ask unanimous consent that the article may 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:

PHILIPPINES PRESIDENT URGES UNITED STATES TO STAY IN VIETNAM

(By Robert Eunson)

MANILA, March 25.—Withdrawal of American forces from Vietnam "could lead to disaster," President Diosdado Macapagal of the Philippines said today.

But he cautioned the United States against intervention in Asian affairs and said the current crisis between Malaysia and Indonesia could be settled if "Asian nations get together to solve their problems."

The President made the statements at a private audience at Malacanang Palace with Wes Gallagher, general manager of the Associated Press, who is on a tour of Asia.

Describing the Vietnamese war, where 16,000 U.S. troops are involved in the fight to wipe out Communist-backed Vietcong guerrillas, Macapagal said he believed "withdrawal of Americans or neutralization of Vietnam would affect all the countries of Asia.

"It could lead to a disaster, especially for those countries near Vietnam," he said.

Macapagal was the third Asian leader who has told Gallagher in the last 10 days that the United States should retain military units in South Vietnam until the war there is won. Prime Minister Hayato Ikeda, of Japan, and Gen. Nguyen Khanh, of South Vietnam, expressed similar beliefs.

Asked what the United States should do in Asia, Macapagal smiled, his brown eyes twinkling:

"I hesitate to walk, how is it you say, where angels fear to tread, but there should be more projection of intention of American aid. It should be made clear that aid will not be used as a club, a weapon—to constrain the secondary country to act as the first country desires."

Macapagal did not use the word "colonialism," but it was clear that his caution was directed toward just that image.

"A decision should be made on the type of aid needed," he said. "The effect should be allowed to come out naturally."

The President said the United States should not expect Indonesia or Malaysia, both much younger countries, to react in the same manner, internationally speaking, as the Philippines.

"The Philippine Government is now 18 years old and the United States should be proud before the eyes of the world because of the Philippines," he commented. "We are making democracy work. Democracy is here to stay."

SEATO, the Southeast Asia Treaty Organization, is still useful and could lead to an expansion among other Asia nations. SEATO will hold its 10th anniversary meeting in Manila next month.

Macapagal, who has been striving for 6 months to resolve differences between Malaysia and Indonesia, said he was hopeful for a summit meeting which would bring President Sukarno, of Indonesia, face to face with Tunku Abdul Rahman, of Malaysia, with Macapagal in the middle.

"Indonesia would be ready to accept Malaysia if it follows the doctrine that Asian nations settle Asian affairs," he said.

Mr. MORSE. Mr. President, the article leaves no room for doubt that the President of the Philippines wants us to stay in South Vietnam. I should like to ask the President of the Philippines, from my desk in the Senate this evening, "How many Philippine boys do you have in there, available for dying?" None.

I should like to ask the President of the Philippines, "How much of your largess are you willing to spend for the operations in South Vietnam?" The answer is none.

We are picking up 97 percent of the bill and the other 3 percent from within South Vietnam. Let me point out to the President of the Philippines: "Your country's signature is on the SEATO treaty. You have walked out, Mr. President of the Philippines; you have not lived up to your signature."

There will be a meeting of SEATO in Manila in the not too distant future. Will there be on the agenda the topic that calls for a recommitment of the SEATO signatories? What about the obligations of others in respect to the operations in South Vietnam? Mr. President, watch them run, if that is on the agenda.

The only possible reed on which we can lean so far as any international law rights are concerned about operating in South Vietnam is the SEATO treaty. It was in that treaty that the signatories entered into a protocol agreement that the South Vietnam area is of mutual concern to the signatories to the treaty. It carried the clear implication that because it was an area of mutual concern and interest, all signatories to the treaty would join in any program, whatever it was to be, in respect to the defense of South Vietnam.

Let us take a look at the signatories: Australia, Pakistan, Thailand, the Philippines, Great Britain, France, and the United States. The only country which is carrying out any obligation—and I think it is a mistaken obligation—that could possibly be implied in the SEATO Treaty is the United States.

But the President of the Philippines thinks we ought to stay there. I am going to keep right on asking "Australia, where are you? Pakistan, where are you? Thailand, where are you? The Philippines, where are you? Great Britain, where are you?" Where are they with respect to the SEATO Treaty?

It is a little more difficult to ask such a rhetorical question of France. For a long time it was possible to do so. However, at least of recent date De Gaulle has recognized that something ought to be done about South Vietnam. France learned the hard way, as we are about to learn the hard way, that the Western powers cannot win in Asia. France sacrificed the flower of her manhood for years, although the United States poured about a billion and a half dollars into Indochina when France was sacrificing its men, trying to help France. But France sacrificed the flower of her youth, until finally the French people said, "We have had enough," and they brought down the French Government. In the meantime, French law forbade the use of drafted men in Indochina. Only volunteers were allowed to fight there.

I have warned before. I am going to warn again today, and I shall warn from the platforms of America in the weeks ahead, for I intend to discuss this issue from coast to coast in the months ahead. This is a basic foreign policy problem about which the American people need to know the facts. I am satisfied that once they know them, they will say to the Johnson administration, "You either change, or we will hold you to an accounting for a foreign policy that is resulting in the unnecessary killing of American boys."

With the killing of each American boy in South Vietnam, the flag on the White House should be lowered to half-mast, and on the State Department, on the Pentagon Building, and on the Capitol Building, because they are unjustified and unnecessary killings. I believe that at least the flag should be lowered on the four edifices on which the responsibility for this unjustifiable policy rests—the White House, the State Department, the Pentagon, and the Capitol, because that is where the policy has been determined which permits these unjustifiable killings of American boys in South Vietnam.

Mr. President, I believe we had better take note of the fact that our need of international law is a weak one, based upon the SEATO treaty. We had better take note of the fact that our SEATO allies have walked out on us, even to the point where the President of the Philippines believes we should stay in, while the Philippines stay out.

They are perfectly willing for us to stay in and pick up the check, pay the bills and waste the blood, so long as it is not their money and their blood.

Mr. President, President de Gaulle may be right—I do not know—but we should explore the situation. I hope that the next SEATO meeting in Manila, in the near future, will explore it.

I close by saying, unpopular as it is, that the place for the South Vietnam issue is before the United Nations, not the United States. In my judgment, under the pacts and treaties, including the United Nations Charter, which we have signed, we do not have the slightest justification for unilateral action in South Vietnam.

But it is said that, the government invited us in. Whose government?

Our puppet government. For it was the United States in 1954 which in fact established the puppet government of South Vietnam.

I am a good enough lawyer, and I know enough about international law to know that we do not obtain rights for unilateral international action based upon invitations received from puppet governments of one's own making.

I do not like to find myself in disagreement with my administration. I do not like to find myself in the position where the extremists, the uninformed, the professional patriots and the emotionalists are always anxious to wave the flag into tatters and proceed to misconstrue my position. According to my sights and the basis of my knowledge of the situation as a member of the Foreign Relations Committee of the Senate, we should be willing, when we are satisfied the facts support it, to stand up and admit that our country is dead wrong on any issue about which it is mistaken.

In my judgment, the Government of the United States is dead wrong on the policy it is pursuing in South Vietnam, and all the rationalization, all the alibis, all the propagandizing by the Secretaries of State and Defense will not change that fact.

We should seek to bring the whole issue before the United Nations because South Vietnam and the happenings there are a threat to the peace of that area. The United Nations was set up to intervene wherever the peace was threatened. If we got out of South Vietnam, we would be surprised at how quickly the situation would be resolved; for as I stated yesterday, it is, for the most part, a civil war. There is a great deal of news propaganda about forces from outside South Vietnam being responsible for the condition, but if we moved out of our orbit into the other orbit, the charge would then be that U.S. forces are responsible.

I want to get all U.S. forces out to the extent that any are in. I want to get the issue before the United Nations.

People constantly ask, "What does MORSE propose? He only criticizes. What does he propose?"

I have never criticized without proposing, and if anyone wishes, he can check my record on any controversy in which I have been involved, concerning foreign policy or any other major policy of my government.

There are those two places to explore, if we really believe in trying to resort to the rule of law, instead of the jungle law of force. Too frequently, the United States talks a good game of resorting to the rule of law, but at the same time it hypocritically applies the rule of force. Much of our so-called military aid is naught but an application of the rule of force around the world.

My proposal is that we should take the leadership in trying to obtain a SEATO settlement. That would bring France in. That would also bring in Great Britain, Australia, Pakistan, Thailand, and the Philippines. We might be able to arrive at an acceptable program.

Say what we will, to some the word "neutralization" has become an ugly word. But there are all degrees of neutralization. When I talk about neutralization in respect to South Vietnam, I am not talking about the type of neutralization that we have in Laos. If I read De Gaulle's suggestions correctly, he was not, either. But we shall never know until we explore it. The undeniable fact is that the officials of the Government of the United States are not seeking to explore the possibilities through SEATO or making an honorable accommodation for the bringing of peace to South Vietnam.

My second proposal is, if we cannot act through SEATO, to try to act through the United Nations. Here again, we will not know to what extent we might succeed until we try.

I cannot imagine the people of this country supporting much longer the kind of program the Secretary of Defense is trying to propagandize the American people into accepting, of American intervention on a unilateral basis in a civil war in South Vietnam.

Next Monday, I shall discuss the problem further. I intend to continue to discuss the matter until we get a broader based understanding of it both within the Government and within the Republic.

Mr. President, I yield the floor.

## PROGRAM FOR NEXT WEEK

Mr. HUMPHREY. Mr. President, I wish to make an announcement with reference to the program for next week.

When the Senate completes its business today, it will stand in adjournment until 12 o'clock noon on Monday next.

On Monday, it is expected to have the Senate remain in session into the evening—I should say, most likely, until 8 or 9 o'clock.

On Tuesday, and also on Wednesday and Thursday, it is proposed to have the Senate convene at 11 o'clock a.m. At that time the leadership will decide what earlier hour for convening may be desirable for the remainder of the week.

There will be a session of the Senate on Saturday, April 4. Senators should be on notice of that. That is not the coming Saturday, but Saturday of the following week.

The Senate will hold evening sessions all week. By that I mean that it is not proposed to have the Senate recess earlier than 8 o'clock but more likely to have it continue until 10 o'clock or later.

I desire to have the staff of the Senate notify every senatorial office of these arrangements, so that Senators will not have to rely entirely upon the RECORD for this information. I am sure that if Senators are notified, there will be a good attendance in the Chamber.

Starting on Monday, March 30, the proponents of the civil rights bill will attempt to open the debate and place before the Senate and the public the arguments in behalf of the 11 titles of the civil rights bill. It will be my intention on Monday, when I can gain recognition by the Chair, to open the debate for the proponents or supporters of the bill, the pending business, H.R. 7152. That will be followed by addresses by our friends on the Republican side of the aisle. We shall attempt to alternate the speeches on each of the titles. There will be several speakers on each title, after a general presentation has been made relating to the bill as a whole.

It is hoped that the Senate may proceed to discuss the bill title by title; and we would, of course, at that time expect to have a discussion on any proposed amendment. However, I doubt that we could look forward to any votes on any amendments in the coming week. To think that we could would be overly optimistic.

## U.S. FOREIGN POLICY

Mr. HUMPHREY. Mr. President, during the past week we have heard three speeches which have done much to enlighten the public on the realities of international politics in the nuclear age. On Monday, Ambassador Adlai Stevenson reminded us that in a decade when monolithic blocs are giving way to "a bewildering diversity among nations," we are passing from a policy of containment to a policy of cease-fire and peaceful change. On Tuesday, President Johnson told the world that—

> The people in this country have more blessed hopes than bitter victory. The people of this country and the world expect more from their leaders than just a show of brute force.

On Wednesday, the distinguished chairman of the Senate Committee on Foreign Relations, Senator FULBRIGHT, reexamined some "old myths and new realities" of American foreign policy today. In a thoughtful speech marked by elegance of phrase and profoundness of insight, Senator FULBRIGHT has challenged some of the cherished assumptions we have been making about U.S. foreign policy in recent years.

I congratulate the Senator upon being a provocative and thoughtful teacher.

We are all bound by habit, and sometimes we need to be jolted out of our habitual pattern of looking at foreign policy. We need to ask ourselves basic and searching questions about the policies we are pursuing, the tactics we are using, the objectives we are aiming at. In a mature and responsible way, Senator FULBRIGHT has called for a reexamination of the thrust of our foreign policy in key areas of the world. This reexamination of course does not mean that all our present policies should be discarded. It does mean that they be reexamined in light of existing conditions.

It is most appropriate that this reexamination should be done by Senators

and especially appropriate that it be led by the chairman of the Foreign Relations Committee.

In leading this reexamination of our foreign policy, Senator FULBRIGHT has fulfilled the highest responsibility of a Senator. Under our system of separation of powers, a Senator has a vital and important role in the foreign policy process, but one which is quite distinct from that of the executive branch. A Senator has a responsibility to participate in the formulation of foreign policy, but is not involved in the day-to-day implementation of policy. Because he is removed from the day-to-day implementation of policy, he is often better situated to undertake an independent reexamination of American foreign policy.

A Senator, therefore, in fulfilling his functions relating to foreign policy must be both independent and responsible. He must be independent enough to assess the situation frankly, coldly, and objectively. He must be responsible enough to know that the position he takes will have an impact on the U.S. Government's position in various parts of the world. I believe that the chairman of the Foreign Relations Committee has shown both independence and responsibility in his examination of the problems confronting the United States in the world today.

While I will not attempt to go into the detailed discussion of individual issues in the Senator's speech, I would like to add one comment about his remarks on Latin America.

Without commenting on the merits of the Senator's position on the Cuban and Panama issues themselves, I believe the Senator is right in insisting that a preoccupation by the public and U.S. policymakers with these two issues has tended to obscure some of the other problems we face in Latin America today. We have as the Senator says "become so transfixed with Cuba" that our foreign policy in this hemisphere has often become distorted. While Cuba is important—and in my view will continue to be for some time to come—we should never forget that Brazil is of much greater consequence to U.S. interests in this hemisphere than Cuba will ever be.

Brazil represents the largest land mass of any nation in this hemisphere. It represents half of the population of South America. Therefore it would appear to me that American foreign policy concerned with Brazil would be of the utmost importance.

While Cuba will retain considerable significance as long as it remains an outpost of the Soviet Union in this hemisphere, it should no longer be permitted to blind us from the fact that the basic pattern of hemispheric relations will be determined to a great extent in Brazil and Argentina, in Chile and Mexico, in Peru and Colombia. In fact, all of Latin America is deserving of our continuous and thoughtful education.

Bearing this in mind, the Senator's remarks about social revolution in Latin America are particularly pertinent. He has raised one of the most troublesome questions about our Latin American policy today—are we prepared to deal with social revolutions in Latin American countries that do not follow the gradual, peaceful evolutionary pattern that has been characteristic of the development of Anglo-Saxon societies? Are we anticipating events in certain countries by identifying emerging political forces that will lead and control any social revolution that might occur? I do not know. But I do know that the Senator from Arkansas [Mr. FULBRIGHT] is right in his concern about the "winds of revolution"—as he puts it—blowing in Latin America today. Regardless of our own preference for gradual evolutionary change, we must be prepared to face the fact that in some instances in this hemisphere in the coming decade, we may be forced to deal with revolutionary situations.

It is my hope that we shall be prepared. I do believe we shall be better prepared to face up to these situations if we, as Senators, courageously, thoughtfully, and respectively assess what is going on in our hemisphere and attempt to identify the relevancy of our present foreign policy to these respective areas. It is in this spirit that we will do much to strengthen our Nation, and at the same time have a much more effective and, I believe, successful foreign policy.

Mr. PELL. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. PELL. For the past few minutes, I have had the pleasure of listening to the remarks of the Senator from Minnesota in regard to our foreign policy and to his congratulation of the Senator from Arkansas [Mr. FULBRIGHT] for what he has done to engender more forward thinking and increased emphasis upon all of our foreign policy and upon introducing in it an element of flexibility. I congratulate the Senator from Minnesota for his remarks, and I wish to associate myself with them.

Mr. HUMPHREY. I thank the Senator from Rhode Island. Such words from him—one of our leading experts and most knowledgeable Members in the field of foreign affairs—are very much appreciated.

Mr. President, I referred to the address delivered by the U.S. Ambassador to the United Nations, the Honorable Adlai E. Stevenson. I ask unanimous consent that his Dag Hammarskjold Memorial Lecture at Princeton University on March 23, 1964, be printed in the RECORD.

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

FROM CONTAINMENT TO CEASE-FIRE AND PEACEFUL CHANGE

(Dag Hammarskjold Memorial lecture by Ambassador Adlai E. Stevenson, U.S. representative to the United Nations, at Princeton University, March 23, 1964)

The United Nations and therefore the world has been fortunate to have three strong Secretaries General—Trygve Lie of Norway, Dag Hammarskjold of Sweden and U Thant of Burma. While serving on the American delegation in London in the first days of the United Nations and latterly in New York, I had something to do with the selection of Trygve Lie and U Thant. And it was my good fortune to know Dag Hammarskjold well, and my sad lot to attend his funeral in the lovely old cathedral at Upsala. Like the others who came from all over the world, I walked behind him to the cemetery through the streets of the ancient town, lined with thousands of silent, reverent people. Upsala was the world that day when he was laid to rest in the northern autumn twilight, for he was a hero of the community of man.

Norman Cousins tells a story that says a lot about Dag Hammarskjold as a peacemaker.

He had scheduled an interview with a magazine writer one evennig. The writer suggested that they have dinner at a restaurant, which the Secretary General accepted. He further suggested that they take his car, which the Secretary General also accepted.

Upon leaving the building, the writer recalled to his embarrassment that he had driven into town in a battered old jeep. The Secretary General was delighted. "Sometimes I think I was born in one," he said.

But the writer's embarrassment had only begun. Four blocks away, a taxi cab darted in front of the jeep and there was a harmless collision.

I don't have to suggest the reaction of the cab driver or the quality of his prose. But the writer was not without a temper himself, or the prose to match the cab driver. It looked as though the disagreement was about to escalate into active hostilities. At this point, Hammarskjold climbed out of the jeep and stepped around to the cab driver.

"You know," he said, "I don't think anyone quite realizes how tough it is to drive a cab in New York City. I don't know how you fellows do it—ten, twelve, fourteen hours a day, day after day, with all the things you've got to contend with, people weaving in and out of traffic and that sort of thing. Believe me, I really have to take my hat off to you fellows."

The cab driver refused immediately. "Mister," he said, "you really said a mouthful." And that was the end of the incident.

But it wasn't the end of the story. A few blocks later the unfortunate writer ran out of gas. And who should drive by? The same cab driver pulled up and said, "What's the matter chum, any trouble?"

"Out of gas," said the disgruntled writer.

Well, you can guess the end of the story: The cabbie offered to get some gas, invited the driver's nice friend to come along with him, and drove off with the Secretary General of the United Nations in the front seat—leaving the writer to ponder the role of the peacemaker in today's tense society.

I

No one ever doubted Dag Hammarskjold's selfless dedication to peaceful settlement of any and all disputes among men and nations. None questioned his deep personal commitment to the principles of the Charter of the United Nations, whose first business is the peaceful settlement of disputes.

But this can be said of other men: Hammarskjold was unsurpassed, but he was not alone in his devotion to peace. What distinguished his service to the United Nations is that he came to see it for what it is: A specific piece of international machinery whose implicit capabilities can only be realized by the action of the members and the Secretariat working within its constitutional framework.

There was no doubt in Dag Hammarskjold—nor is there in many others—that the United Nations is the most remarkable and significant international institution ever conceived. But Hammarskjold also understood that the machinery not only needs lofty goals and high principles but it has to work in practice—that it has limited, not unlimited functions; that it has finite, not infinite capabilities under given circumstances at a given time.

He saw that the effectiveness of the organization is measured by the best consensus that can be reached by the relevant majority

of the relevant organ—and that reaching that consensus is a highly pragmatic exercise.

Understanding all this, Dag Hammarskjold—himself a key part of the machinery—helped make the machinery more workable, more adaptable, more relevant to the immediate political needs. By doing so, he helped expand the capacity of the machinery to act effectively. This, I think, was his greatest contribution to the United Nations, and thus to world peace.

His was dedicated service—backed by diplomatic skill, by administrative talent, and by a sharp sense of political reality.

The overwhelming political reality of Hammarskjold's day was the division of the world into opposing and rigid military alliances, led by two incomparable centers of power and influence—with the two halves of this bipolar world engaged in a cold war paced by an uncontrolled and seemingly uncontrollable nuclear arms race—while everyone else held his breath lest the "balance of terror" get too far out of balance.

Many came to accept this as a continuing—almost natural—state of affairs which would continue until one side collapsed or the two sides collided in world war III. We now know that it was a transitory and unhealthy condition of the world body politic.

The cold war has not sunk out of sight, but the field of contest may be shifting radically—and for the better.

The nuclear arms race has not passed into history, but at least it has, for the first time, been brought within a first stage of control.

For these and a large variety of other reasons, the world is a very different world from that which existed when Dag Hammarskjold went down to his death in that cruel crash in Africa 2½ years ago. We therefore will be wise to tailor our thinking about the role of the United Nations he served so well not to his world of 1961 but to our world of 1964—which is to say: A world which is no longer bipolar but in which multiple centers of power and influence have come into being; a world which at long last is approaching the end of the historic struggle for military superiority—by acquiring absolute military power; a world in which the myth of monolithic blocs is giving way to a bewildering diversity among nations; a world in which realities are eroding the once rigid political dogmas; a world in which not only imperialism but paternalism is dying; a world in which old trading systems, monetary systems, market systems, and other elements of the conventional wisdom are being challenged and changed; a world which at once makes breathtaking new discoveries and is crippled by ancient feuds—which is both fabulously rich and desperately poor—which is making more progress than ever before and seeing much of it wiped out by an explosive population growth; and finally, a world in which fundamental issues of human rights—which have been hidden in closets down the long corridor of history—are out in the open and high on the agenda of human affairs.

For the first time in history the world is being changed radically within the span of an average lifetime; we enter one world and leave quite a different one. As E. B. White once said of New York, "the miracle is that it works at all."

Not even the sloganeers have caught the full essence of these times; we do not yet know what to call this particular passage of history. Since the end of the Second World War we have spoken of the "atomic age" and the "jet age"—of the era of "rising expectations" and the "epoch of the common man"—of the "first age of space"—and the "first age of mass politics." Each of these labels identifies at least one of the swirling phenomena of our times, but none of them will do as an overall title.

II

We should try to come to grips with the central theme of our times—with that aspect of current affairs which gives them their characteristic stamp and flavor—with that label which may not tell all but puts its finger on the most important thing that is going on.

You will recall that back in 1947 a certain "Mr. X"—who turned out to be my friend George Kennan—wrote an article for Foreign Affairs in which he introduced the famous label, the "Policy of Containment." He invented the phrase but he did not invent the doctrine; the United States already was busily, heavily, expensively, and dangerously involved in containing the ruthless, heavy-handed outer thrust of Stalin's Russia—wherever he might strike or lean.

This was the main pattern of world events for a number of years and "containment" was a meaningful description of the main purpose of U.S. policy. It was therefore a great public service, for in the free world effective foreign policy is difficult without the understanding and appreciation of the public. How can one rally support for a policy if one can't even describe it? In the absence of a suitable description, each individual action of government is dangerously exposed to attack and suspicion, but if it is known to be part of a larger and well-understood design, it becomes less difficult to act quickly and coherently. However, this is not a lecture on the glorious virtues and crippling vices of sovereign public opinion in a genuine democracy.

When we look back with pride on the great decisions that President Truman made, we see now that he had the inestimable advantage of public understanding. He could react to Korea quickly because he didn't have to stop to explain, to pull public opinion up alongside. It was quite clear to all that this was but another phase of containment, just like the Berlin airlift and the guerrilla war in Greece, and NATO.

Up until the postwar years, Americans had been brought up on the idea of fighting every conflict to a decisive finish—to total victory, to unconditional surrender. But when the nuclear age revealed the hazards of this course, it was neither easy nor popular to introduce the concept of limited action, primarily to preserve the status quo. This nuclear necessity went against the American grain; it was (and to some still is) both confusing and frustrating. It took patient explaining, and all of us can be grateful that Mr. X gave identification and illumination to a policy that was already being practiced. He showed us why the Greeks thought it so important to have "a word for it."

We can, as I say, be proud of our performance under the containment policy. Above all we can be proud that the tendency once noted by Lord Acton did not operate in our case: The possession of great power—unprecedented and overwhelming power—did not corrupt the American Government or the American people.

But as unquestioned leader of an alliance constantly threatened by external military pressure, we had to stand up and be counted for more; we had to stand firm; we had to confront force with force until the tanks faced each other gun barrel to gun barrel, along Friedrichstrasse in Berlin—until the Korean invaders had been thrown back across the 38th parallel—until the Navy drew an armored noose around Soviet missile sites in Cuba—and until, at long last, Soviet leaders became convinced that free men will answer steel with steel.

During this whole period the positions and actions taken by the U.S. Government to contain aggression had broad public understanding and support. In a sense the policy of containment was too easy to understand. It tended to reinforce a simplistic view of a black-and-white world peopled by good guys and bad guys; it tended to induce a fixation on military borders to the exclusion of other things; and it tended to hide deep trends and radical changes which even then were restructuring the world.

And, of course, the policy of containment—being a reaction to Soviet Communist aggressiveness—necessarily had a negative and static ring to it. This had the unfortunate effect of partially obscuring the positive and progressive purposes of U.S. policies in support of the United Nations, in support of regional unity in Europe and elsewhere and in support of economic and social growth throughout most of the world where poverty was a centuries-old way of life.

Nevertheless, the doctrine of containment was relevant to the power realities of the times—to the struggle to protect the independent world from Stalinism—and to the defense of peace—which is quite a lot.

Indeed, the doctrine may not yet have outlived its usefulness. If the present Soviet leaders have come to see that expansion by armed force is an irrational policy, it is by no means clear that the Chinese Communists—pretending to read out of the same book—have yet come to the same conclusion.

No doubt we shall have to stand firm again—and face danger again—and run risks again in the defense of freedom.

We cannot and will not resign from whatever degree of leadership is forced upon us by the level of threat used against us, our allies, and our friends.

But as anyone willing to see clearly already knows, the current course of world affairs calls for something more than a "policy of containment."

III

What, then is the dominant theme that marks the character of contemporary world affairs?

I would suggest that we have begun to move beyond the policy of containment; that the central trend of our times is the emergence of what, for lack of a better label, might be called a policy of cease-fire, and peaceful change. I would suggest, further, that we may be approaching something close to a world concensus on such a policy.

No analogy is ever perfect, but if the policy of containment stands for "limited war", then the policy of cease fire perhaps stands for "limited peace." I believe this mutation is occurring simply because the H-bomb has made even "limited" war too dangerous.

Cease fire and peaceful change may strike some as a curious way to describe a period so jammed by violence, by disorder, by quarrels among the nations—an era so lacking in law and order. But I do not speak wistfully; I speak from the record.

It is precisely the fact that so much violence and so many quarrels have not led to war that puts a special mark on our times.

Only a few decades ago, if a street mob organized by a government sacked and burned the embassy of another government—if rioters tore down another nation's flag and spit upon it—if hoodlums hanged or burned in effigy the head of another state—if ships or planes on lawful missions were attacked—you would expect a war to break out forthwith. Lesser excuses than these have started more than one war before.

And only a few decades ago, once hostilities broke out between the armed forces of two nations, it was assumed with good reason that since the war was started, the war would proceed until one nation or one side had "won" and the other had "lost"—however foolish or futile the whole thing might be.

It also was assumed that the only way fighting could be stopped was by surrender—unconditional or negotiated—confirmed by signatures on a document and ritualized by the presentation of swords by the vanquished

to the victors. That was in the nature of the institution called war. This is how it was.

But this is not the way it has been for well over a decade now and I think we should begin to notice that fact. Scores and scores of what used to be called "incidents"—far too many of them—have occurred around the world without leading to hostilities or even ultimatums. The fact is that in the last decade, nearly every war, partial war, incipient war, and threat of war, has either been halted or averted by a cease-fire.

It is still a very foolish and dangerous thing to insult another nation or desecrate its property or take potshots at its citizens or equipment. But there are other forms of penalty than mass slaughter and, happily, the world is beginning to avail itself of them. Firing has started and then stopped—organized hostilities have been turned on and then called off—without victory or defeat, without surrender or peace treaty, without signatures or swords.

This is what seems to be happening. If so, it is perhaps the most important and certainly the most hopeful news for many a moon. As Al Smith kept saying, "Let's look at the record."

Just after the last war, the Soviet Union sent two armored divisions though northern Iran toward the Turkish and Iraqi frontiers while Bulgaria massed troops on its southern frontier to form the other prong of a huge pincers movement against Turkey. Then the Security Council of the United Nations met in London for the first time, and presently the Soviet troops went back into the Soviet Union. Not a shot had been fired.

Since that time there have been some 20 occasions on which the armed forces of two or more nations engaged in more or less organized, formal hostilities, which in another day would have been accompanied by declarations of war—wars to be fought until "victory" was attained by one side or the other. Eight of these could be classified as outright invasions, in which the armed forces of one nation marched or parachuted into the territory of another; only one of them—the mismatched affair between India and Goa—was settled in the traditional way in which wars have been settled in the past.

On at least another 20 occasions there has been minor fighting on disputed frontiers, or armed revolts which usually involved the national interests of an outside state. Any of them would have qualified as a causus belli in another day.

At this very moment the agenda of the Security Council of the United Nations lists 57 international disputes. Some of them have been settled, some are quiescent, and others could flare again at any moment. The point here is that more than half a hundred international quarrels have been considered by somebody to be enough of a threat to the peace to take the case to the court of last resort.

This is not exactly peace—at least not the kind of peace that people have dreamed and hoped and prayed for. But the record suggests that if fighting breaks out somewhere tomorrow, the chances are good that the next step will not be the sound of trumpets but the call to cease fire.

And the chances are good that the step after that will not be an exchange of swords but an exchange of words at a conference table. This is no guarantee that a way will be found to remove the root of the trouble. In the Middle East, southeast Asia, and the Far East there are temporary armistice lines that have been temporary now for more than a decade. But in these affairs there are no victors and no vanquished—and in this sense we are all winners.

This record of violence without war suggests, then, that we may have slipped almost imperceptibly into an era of peaceful settlement of disputes—or at least an era of cease fires while disputes are pursued by other than military means.

Without making light of life-and-death matters, one can conclude that it has become distinctly unfashionable to march armies into somebody else's territory. I can think of no better evidence than the fact that the Organization of African Unity—an institution hardly out of its swaddling clothes—quickly arranged cease-fires when fighting broke out on the borders between Morocco and Algeria and again between Somalia and Ethiopia

How has all this come about? I shall not attempt anything like a definite answer. I would only suggest in passing that perhaps Korea was the end of the road for classical armed aggression against one's next-door neighbor; that perhaps Suez was the end of the road for colonial-type military solutions; and that perhaps Cuba was the end of the road for nuclear confrontation.

Perhaps man is adjusting once again to his environment—this time the atomic environment. Perhaps the leaders of nations around the world—small as well as large nations—have absorbed the notion that little wars will lead to big wars and big wars to annihilation. Perhaps we are edging toward a consensus on the proposition that nobody can afford an uncontrolled skirmish any more—that the only safe antidote to escalation is cease fire.

I emphasize "perhaps"—for we must work and pray for that historical judgment on these times.

Yet skirmishes will occur and will have to be controlled. Countless borders are still in dispute. Nationalism and rivalry are rampant. Ethnic and tribal and religious animosities abound. Passions and hatreds—ignorance and ambition—bigotry and discrimination—are all still with us.

IV

The question is what can be done to make sure that this is in fact an era of peaceful settlement of disputes among nations.

For one thing, we can pursue this consensus on recourse to nonviolent solutions. Most of the world is in agreement right now—though there are a few who would make a small exception for his own dispute with his neighbor. Yet there is reason to hope that the aggressors are extending their doctrine of no nuclear war to a broader doctrine of no conventional war—on the grounds that you cannot be sure there will be no nuclear war unless you are sure there will be no conventional war either.

For another thing, we can get on with the urgent business of expanding and improving the peacekeeping machinery of the United Nations. Most of the cease fires I have been speaking about have been arranged by the United Nations and the regional organizations. Most of the truces and negotiations and solutions that have come about have come about with the help of the United Nations. Even if the will had existed, the way would not have been found without the machinery of the United Nations.

Violence—which there will be—without war—which there must not be—is unthinkable without an effective and reliable system of peacekeeping.

How should we and how can we improve the peacekeeping machinery of the United Nations?

Cyprus has vividly exposed the frailties of the existing machinery: The Security Council, by an impressive unanimous vote, first saved the situation with a cease-fire resolution providing for a U.N. peacekeeping force, but shortly afterward war nearly broke out again before the U.N. could put the resolution into effect.

There were no troops immediately available, and the Secretary General could not marshal the U.N. force with the speed so urgently required. Then there was no assurance of adequate funds to pay for the operation. While these handicaps were overcome, the Secretary General has not yet found a mediator of the conflict. While I am confident that he will soon be designated, it took over 2 weeks (instead of 2 days or 2 hours) to get the peacekeeping operation going, and then only because armed intervention appeared imminent.

In short, when time is of the essence, there is a dangerous vacuum during the interval while military forces are being assembled on a hit-or-miss basis.

And we further risk an erosion in the political and moral authority of the U.N. if the troops trained only for national forces are thrust without special training into situations unique to the purpose and methods of the United Nations. For a U.N. soldier in his blue beret is like no other soldier in the world—he has no mission but peace and no enemy but war.

Time and again, we of the United States have urged the creation of a United Nations International Police Force, trained specifically for the keeping of the peace.

Perhaps it is too early to contemplate a fixed U.N. international force which would be permanently maintained for use for any and all purposes—for the world's emergencies differ one from another, and there can hardly be one treatment for all of them. But surely it would make sense for member countries of the United Nations to indicate what forces, equipment, and logistic support they would be willing to train for peacekeeping service, and to supply on a moment's notice. And surely it would make sense for the U.N. itself to add to its military and planning staff so that peacekeeping operations can be set in motion with the utmost speed and effectiveness.

There are some encouraging signs of progress. Recently it was announced that Scandinavia would create a permanent force for use on U.N. peacekeeping missions. This would include Denmark, Sweden, Norway, and Finland, although it is not yet clear if Finland would join in an integrated command or form an independent unit. Other nations, such as Canada and the Netherlands, have also shown interest in creating a United Nations standby force. So things are moving.

There is also movement on the fiscal front. Last year it seemed hopeless that the United Nations General Assembly would be able to agree on a financing formula which would permit its vital Congo operations to continue. But it did, and in the process paved the way for further developments in this all-important area.

This next month a United Nations working group will be meeting in an endeavor to formulate agreed methods for financing future peacekeeping operations, so that there will be less need for controversy each time such an operation is to be financed.

It is true that every United Nations peacekeeping effort is and probably always will be different from any other, and that no simple financing formula can fit them all, but agreement on certain principles and improvements in mechanisms should be possible and useful for the future. The United States will join wholeheartedly in the search for such agreements.

There will, however, be a shadow over that working group—the shadow of unpaid assessments for past United Nations peacekeeping operations. No less than $92 million of such arrears are owed by the Soviet bloc and a few other countries that have refused to pay their share of the cost of such operation—principally those in the Middle East and in the Congo.

But the Soviet claim that the assessments for these operations were not legally imposed and are not legally binding was rejected by

the advisory opinion of the International Court of Justice in 1962, and that opinion was accepted by a decisive vote of the General Assembly that fall. Yet the Soviets are still refusing to pay.

What can be done about it?

Article 19 of the United Nations Charter provides that a member whose arrears amount to as much as its last 2 years' assessments "shall have no vote" in the General Assembly. This article has caught up with the Soviet Union and certain other countries, which means that if at the time the next General Assembly meets the Soviet Union has not paid at least some $9 million of its arrears, it will have no vote in the Assembly.

The United States, and I believe all the members want to avoid such a situation—in the only way it can be avoided, namely by a Soviet payment—in whatever form.

We think the best way to avoid the penalty and preserve the U.N.'s financial integrity is for the members to make it abundantly clear that they support peacekeeping operations, that they want all members to pay their fair share of the cost, and that the Charter must be applied in accordance with its terms, and without fear or favor.

It is our earnest hope that the overwhelming sentiment of the members will prevail, and that the Soviet Union and others will find the means, in one way or another, to provide funds that will make unnecessary any article 19 confrontation.

At the same time, the United States and others are exploring the possibility of adjustments to avoid the recurrence of this unhappy situation. Not many members would agree with the Soviet Union's contention that the General Assembly has no right to recommend a peacekeeping operation and that the Security Council should have the exclusive right to initiate such operations. Nor would many agree to abolish the General Assembly's exclusive right, under the Charter, to apportion and assess expenses.

But it should be possible to give new emphasis to the position of the Security Council by providing that all proposals for initiating a peacekeeping operation should first be presented to the Council, and that the General Assembly should not have the right to initiate such an operation unless the Council had shown that it was unable to act.

Also when it comes to the apportionment of the costs among the members by the General Assembly, we are exploring possible arrangements whereby the viewpoints of the major powers and contributors to the cost could be assured of more adequate consideration, and also the possibility of more flexible methods of distributing the cost.

I mention the fact that these possibilities are being discussed to make clear that the United States is using every effort to reach agreement as to future peacekeeping arrangements, in the hope that agreement as to the future will facilitate solution as to the past and provide a more firm foundation for a peacekeeping structure that has already proved itself so valuable.

Let me make it quite clear that it is the Charter that imposes the penalty of loss of voting privileges for nonpayment of assessments. The United States has never presumed to think it could negotiate this requirement of the Charter with the Soviet Union and it has not entered into these exploratory talks for this purpose. But we are eager to discuss a sound system for financing future peacekeeping operations, a system which involves no change in the terms of article 19 of the Charter and, indeed, presuppose settlement of the arrears problem.

We hope and believe that these efforts to preserve the peacekeeping function will have the support of all members, and certainly of all members who believe in the efficacy, indeed the indispensability, of the United Nations as a force for peace in the world.

V

Finally, if we are going to get the nuclear genii back in the bottle and keep it there, we shall have to improve our techniques for arriving at basic solutions to problems which remain even when a cease-fire has gone into effect.

I referred earlier to the point that the doctrine of containment was essentially a negative and static concept—as it had to be for its purpose. But a simple cease-fire is static, too; it is a return to the status quo ante, and that is not good enough for a world in which the only question is whether change will be violent or peaceful.

The world has known periods of relative peace and order before. Always the order was assured by a system designed to preserve the status quo. And this is precisely why the system of order broke down—because the status quo is indefensible in the long run.

What the world needs is a dynamic system of order—a system capable of bringing about not just a precarious halt to hostilities, but a curative resolution of the roots of hostility. This is to say that a dynamic system of order must be one which helps parties to a dispute to break out of rigid stalemates—to adapt to new times—to manage and absorb needed change.

It is easier to write this prescription than to fill it. But if conflicts are to be resolved and not just frozen, it is manifest that only through the United Nations, the community of nations, can the workable system of peaceful change evolve. The United Nations is a shared enterprise; it speaks for no nation, but for the common interest of the world community. And most important, the United Nations has no interest in the status quo.

VI

To conclude: I believe there is evidence of new beginnings, of evolution from containment to cease-fire, and from cease-fire to peaceful change. We have witnessed the first concerted and successful effort to avoid the confrontation of naked force. The Cuban crisis has been followed by the nuclear test ban treaty and a pause in the arms race. We see growing up in the interstices of the old power systems a new readiness to replace national violence with international peacekeeping. The sheer arbitrament of force is no longer possible and less lethal methods of policing, controlling and resolving disputes are emerging. Do we perceive, perhaps dimly, the world groping for, reaching out, to the fuller version of a society based upon human brotherhood, to an order in which men's burdens are lifted, to a peace which is secure in justice and ruled by law?

As I have said, I believe that now, as in the days of the Founding Fathers, even the faintest possibility of achieving such an order depends upon our steadfast faith. In their day, too, democracy in an age of monarchs and freedom in an age of empire seemed the most remote of pipedreams. Today, too, the dream of a world which repeats at the international level the solid achievements—of law and welfare—of our domestic society must seem audacious to the point of insanity, save for the grim fact that survival itself is inconceivable on any other terms.

And once again we in America are challenged to hold fast to our audacious dream. If we revert to crude nationalism and separatism, every present organ of international collaboration will collapse. If we turn in upon ourselves, allow our self-styled patriots to entice us into the supposed security of an impossibe isolation, we shall be back in the jungle of rampant nationalisms and baleful ambitions and irreconcilable conflicts which—one cannot repeat it too often—have already twice in this century sent millions to their death, and next time would send everybody.

I believe, therefore, that at this time the only sane policy for America—in its own interests and in the wider interests of humanity—lies in the patient, unspectacular, and if need be lonely search for the interests which unite the nations, for the policies which draw them together, for institutions which transcend rival national interests, for the international instruments of law and security, for the strengthening of what we have already built inside and outside the United Nations, for the elaboration of the further needs and institutions of a changing world for a stable, working society.

If we in the United States do not carry these burdens, no one else will. If we withdraw, retreat, hesitate, the hope of today, I believe without rhetoric or exaggeration, will be lost tomorrow.

We have called this land the "last best hope" of man—but "last" now has overtones of disaster which we would do well to heed. With Churchill, I can say that "I do not believe that God has despaired of His children." But I would say also, in the words of the Scriptures: "Let us work while it is yet day."

Mr. HUMPHREY. Mr. President, I also refer to the address delivered by the President of the United States before the Ninth National Legislative Conference of the Building and Construction Trades Department of the AFL–CIO, at Washington, D.C., on March 24. This address merits the careful attention of every citizen of the United States; in many ways it supplements and fortifies and indeed, carries forward the spirit of the great speech delivered on June 10, 1963, at American University, by our late and beloved President Kennedy. Therefore, Mr. President, I ask unanimous consent that the speech delivered by President Johnson be printed at this point in the RECORD.

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

REMARKS OF THE PRESIDENT TO THE NINTH NATIONAL LEGISLATIVE CONFERENCE OF THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT OF THE AFL–CIO, WASHINGTON, D.C.

Mr. Chairman, Mr. Haggerty, distinguished and beloved Secretary of Labor, Mr. Wirtz, ladies and gentlemen, it is my high honor and very great privilege to come here this morning to fraternize and visit with not only the great workers of this country, but, I am very proud to say, the great builders of this land.

I have been asked to perform a very pleasant task—to present the Distinguished Service Award of the President's Committee on Employment of the Handicapped to a most distinguished American. When we talk and think and work for the employment of the handicapped, we should all be reminded of the text "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

So it is a great honor to me as President and a great privilege to me as a human being to present this Distinguished Service Award to Mr. Walter Mason.

Mr. WALTER MASON. Thank you very much, Mr. President. I greatly appreciate this award and I can assure you that it will rest with me always.

The PRESIDENT. I would be less than human if I did not tell you that I observed

and enjoyed your welcome to this meeting. I am not like that preacher down in our country was when he showed up at his congregation one Sunday morning and much to his surprise the congregation had gone out and bought him a new Ford automobile for a present. The preacher was so frustrated that he got up to acknowledge the generosity and the welcome and he said, "I do deserve it, but I don't appreciate it." I don't deserve it, but I do appreciate it.

As we meet here today, I think we should be reminded that more Americans are more prosperous than at any time in the history of America. In the past 12 months, we have set these records: 70 million jobs—for the first time in our history. National production over $600 billion—for the first time in our history. Average earnings in industry over $100 a week—for the first time in our history. Over 1.6 million new homes in a year—for the first time. New construction over $60 billion—for the first time.

By all these measures, our prosperity continues to grow. In new construction, we should exceed $65 billion this year. The growth rate of our economy should be better than 6 percent—about double the rate of the last decade. Our economy was never stronger and never better, and times were never so good.

But it is still not good enough. It is not good enough because the prosperity of which I speak is not being shared by every American. I will not be satisfied until it is.

Many people have jobs, but too many don't. Many families are living well, but too many families are not.

In 1946, this Nation, by an act of their Congress, made a solemn national commitment to full employment for every American who needs a job. That national commitment still stands. But it is not yet fulfilled. I will not be satisfied until it is.

In 1964 this Nation, by act of Congress, will make another and equally solemn national commitment: To abolish poverty in these United States of America. We must not be satisfied until that is accomplished.

These two goals—full employment and an end to poverty—depend on one another. As long as there are not enough jobs, there will be needless poverty, and as long as children and young people are raised in deprivation, not given a decent start in life, not given an equal chance for education and training they need to get to hold a decent job, then there will be needless poverty. We will achieve these twin goals not through any one measure, but through many.

The tax cut just enacted is one of the most important actions ever taken by any government at any time. Its deliberate purpose is to help make good our national pledge of full employment. It restored to the pockets of the people of America $25 million per day that they could use for purchasing power—almost $900 million per month. This bill should create directly and indirectly between 2 and 3 million new jobs.

The president of one company told me last week that his company alone would use the benefits of this bill to provide 18,000 new jobs. Another president told me Saturday afternoon in the White House that he would use the benefits of the tax bill to spend a thousand million dollars on new construction in the next few years.

Now, we must be job conscious. We must be job hunting. We must be job finding. There are other job-creating measures on our agenda, and I want to tell you about them.

One is the housing bill now before the Congress, aimed at raising the rate of new home construction from 1.6 million last year to 2 million by 1970. We are aware of what the goal of full employment means, and I thought as I walked down that line and shook hands with the men who represented the laborers and the painters and the carpenters, I thought what these bills would mean to the folks that they spoke for back home. It means enough new jobs to employ the present excessively high number that are unemployed, plus enough to replace the jobs that have been lost to machines, plus enough of the record 1½ million net additions to the labor force each year as more and more young people join the search for work. Many of these new jobs must be and will be in the industry in which you are directly involved—construction—and in a full employment economy, total construction for houses, for schools, for hospitals, for highways, for industry, should by the end of this decade reach a level double what it was in 1960, and that is stepping it up quite a bit.

To double what you have in 10 years is something to take pride in. The war against poverty, therefore, is going to be fought on many fields.

The retired, the elderly, the senior citizens of our land—they all deserve and are going to get a better deal. They need a program for medical assistance through social security, and they need it now. We are not going to sit idly by and let older folks fight high medical expenses in their late years all alone. We are going to join them. We are going to help them. We are going to fight with them. That is why we are going to pass a medical assistance bill—if not this week, if not this month, if not this year, the earliest possible date.

A national food stamp plan will improve the diets of the old and the young alike, and that is why we must pass the national food stamp bill, and we are going to do it.

The minimum wage law should be extended to millions who are not now covered, and unemployment insurance should be strengthened.

The Manpower Development and Training Act will have provided training opportunities for 125,000 Americans by the end of this fiscal year. Twice as many will be given training next year.

The Economic Opportunity Act which I submitted to the Congress last week will offer education and training opportunities to more than half a million young people and adults each year.

These training programs will in no way diminish the opportunities for those already skilled, such as the craftsmen in your unions. They will not lower the skill requirements of jobs. But they will make employable many thousands who now live in idleness simply because they have no equipment for today's complex world of work. So neither unemployment nor poverty can be conquered unless we vanquish also their ancient ally—discrimination.

The recent progress toward complete integration has been greatly encouraging, and I am glad to have the presidents of the international unions affiliated with the building and construction trades department of the AFL–CIO as allies. The call last year for and end to discrimination, because of race or creed or color in hiring lists, in referral systems, in apprenticeship programs, or in membership, was a progressive advance and a welcomed announcement.

As good citizens and as good friends, we mean to work together in carrying it out. We can all take pride in the success of the Missile Sites Commission. It is a vivid demonstration of what can be done when we all pull together in the national interest. The problem of work stoppage at missile bases has been minimized. It has been done by the voluntary cooperation of management and labor. You recognize that that national interest was greater than any individual interest, and by serving the Nation, you added to the security of every citizen of this Nation.

In no other industry of this scale and complexity do labor and management work harder or more earnestly or more successfully for understanding, and I am proud to pay tribute to you for that.

As I said yesterday in Atlantic City, and as I repeat here again, I have emphasized many times before that we must not choke off our needed and our speeded economic expansion by revival of the price-wage spiral. Prices and wages must be arrived at freely, but they must be arrived at responsibly. You are builders and I ask your help in building the kind of America that we ought to build and that we can build together.

I ask your help in redeeming the future of the poor and the disadvantaged and those who have suffered from discrimination. The measure of our Nation's greatness is not how high we can raise our urban towers but rather how high we can lift our peoples' aspirations.

Our work may be measured by how many homes we construct, but our work is measured by the fulfillment of the dreams of the people who live in those homes.

Before I conclude for a moment, if I may, I would just like to simply talk to you about your family and mine, about their future and their country.

Last Sunday, Palm Sunday, as I sat in church, I thought about all of the problems that faced this world—ancient feuds and recent quarrels that have disturbed widely separated parts of the earth. You have seen five or six different quarrels appearing on the front page of your morning newspaper, and you have heard about our foreign policy.

The world has changed and so has the method of dealing with disruptions of the peace. There may have been a time when a commander in chief would order soldiers to march the very moment a disturbance occurred, although restraint and fairness are not new to the American tradition. As a matter of fact, some people urged me to hurry in the Marines when the air became a little hot on a particular occasion recently.

But the world as it was and the world as it is are not the same anymore. Once upon a time even large-scale wars could be waged without risking the end of civilization, but what was once upon a time is no longer so—because general war is impossible. In a matter of moments, you can wipe out from 50 to 100 million of our adversaries, or they can, in the same amount of time, wipe out 50 million or 100 million of our people, taking half of our land, taking half of our population in a matter of an hour. So, general war is impossible and some alternatives are essential. The people of the world, I think, prefer reasoned agreement to ready attack. That is why we must follow the prophet Isaiah many, many times before we send the Marines and say, "come now, let us reason together," and this is our objective: the quest for peace and not the quarrels of war.

In this nuclear world, in this world of a hundred new nations, we must offer the outstretched arm that tries to help instead of an arm's-length sword that helps to kill.

In every troubled spot in the world, this hope for reasoned agreement instead of rash retaliation can bear fruit. Agreement is being sought and we hope and believe soon will be worked out with our Panamanian friends. The United Nations peacekeeping machinery is already on its merciful mission in Cyprus and a mediator is being selected.

The water problem that disturbed us at Guantanamo was solved not by a battalion of Marines bayoneting their way in to turn on the water, but we sent a single Admiral over to cut it off. I can say to you that our base is self-sufficient. By lean readiness, a source of danger and disagreement has been removed.

In Vietnam, divergent voices cry out with suggestions, some for a larger scale war, some for more appeasement, some even for retreat. We do not criticize them or demean them. We consider fully their suggestions.

But today finds us where President Eisenhower found himself 10 years ago. The position he took with Vietnam then in a letter

that he sent to the then President is one that I could take in complete honesty today, and that is that we stand ready to help the Vietnamese preserve their independence and retain their freedom and keep from being enveloped by communism.

We, the most powerful Nation in the world, can afford to be patient. Our ultimate strength is clear, and it is well known to those who would be our adversaries, but let's be reminded that power brings obligation. The people in this country have more blessed hopes than bitter victory. The people of this country and the world expect more from their leaders than just a show of brute force. So, our hope and our purpose is to employ reasoned agreement instead of ready aggression; to preserve our honor without a world in ruins; to substitute if we can understanding for retaliation.

My most fervent prayer is to be a President who can make it possible for every boy in this land to grow to manhood by loving his country, loving his country instead of dying for it. Thank you.

## ADDRESS BY PRESIDENT JOHNSON TO THE UNITED AUTO WORKERS OF AMERICA

Mr. HUMPHREY. Mr. President, the President of the United States addressed the 19th constitutional convention of the United Auto Workers of America, at Atlantic City, N.J., on March 23. I have inquired to ascertain whether the text of the address has already been printed in the RECORD. I understand that it has not been.

Therefore, because the speech touched upon the legislative program of this administration and also on some of the problems which will be facing our economy in the months ahead, particularly in connection with prices and wages and the growth and prosperity of our economy, I ask unanimous consent that the thoughtful and, I believe, helpful and courageous address by the President of the United States be printed at this point in the RECORD.

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

REMARKS OF THE PRESIDENT TO THE 19TH CONSTITUTIONAL CONVENTION OF THE UNITED AUTO WORKERS OF AMERICA, ATLANTIC CITY, N.J.

Mr. President, Senator Williams, Senator Bayh, Mrs. Peterson, my good friends of this great convention, I am unaccustomed to such large crowds and such unrestrained enthusiasm. I have been addressing some of these $100 victory Democratic dinners down in Washington, and after a fellow pays that much for a ticket, he doesn't have quite as much enthusiasm as you have here today.

As a matter of fact, a little boy down in our country who was having quite a problem with his family's eating wrote the Lord one day and said, "Dear Lord, I wish you would send mother $100 to help us get along." The letter wound up in Washington on the Postmaster General's desk, so the Postmaster General still had a little money left over from the days when he worked with Prudential. He reached in his billfold and pulled out a $20 bill and sent it back to the little boy. A few days later he got another letter from the little fellow, and he said, "Dear Lord, I want to say much obliged for that 100 bucks you sent us. The next time, though, please don't send it through Washington, because they took a deduct of 80 percent." So we won't have any deducts on our meeting here today.

The first thing I want to say to you is that I am very glad and very happy to appear today before this great convention of a clean, honest, and progressive union, led by President Reuther and his fellow officials, all elected democratically by your votes. The men and women of the United Automobile Workers have made and are making a great contribution to responsible industrial democracy in our country and to respect for our free system among working men and women throughout the entire world.

I am deeply conscious that I stand today in the place of one of the truest friends the working men and women of America have ever had—John Fitzgerald Kennedy. History is often cruel, but it was a kindness of history that last year, only 7 days before his voice was stilled forever, President Kennedy was able to speak before the AFL–CIO at its November convention in New York.

Whatever the challenges or the complexities, or the crises beyond our shores, the American Nation never stands taller or straighter, or stronger, in the world than the individual American is able to stand in his own free land at home. This Nation is strong militarily. No other nation is stronger. Our times have been dominated by a cold war, but now our times require that here at home we pursue a warmhearted war, a war of compassion for the well-being of all of our people here at home.

All Americans, whatever their party or their persuasion, can know that this administration is going to be prudent, that we are striving to fulfill that great Democrat Thomas Jefferson's admonition to always be wise and be frugal. Some have criticized me taking from the "haves" and giving to the "have nots." Well, I want you this morning to read me loud and clear. When Secretary McNamara can eliminate an obsolete military base that is a "have" in our old budget, I am not going to hesitate to let Sargent Shriver use it to save a "have not," perhaps a delinquent high school dropout, from 50 years of waste and want. Let all Americans know that this administration intends to be progressive, intends that our people shall move forward without hesitation, and without discrimination.

Our blessings are many, and it is good that we count them. Last year was the most prosperous year that we have ever known in our history. National production rose $30 billion. By the end of the year, production passed $600 billion. Employment during the year passed 70 million. For the first time, average weekly wages went above $100 per week, and there were 1 million more people at work than the year before. This economy was never stronger in your lifetime. But statistics must not be sedatives. Economic power is important only as it is put to human use.

So let me speak to you earnestly this morning and quite seriously. What I say to you now I say also to businessmen. What I say to you I say to the Nation. I come to you seeking your help, asking your counsel. I have set a course for myself and I intend to follow it. I don't know how history will treat me as a President. However much time I am given to lead this Nation, I shall lead it without fear and without bias and with the sure knowledge that if I try to do what is right, our Nation, in God's mind and in history's imprint will ultimately be the beneficiary.

I am here to tell you that we are going to do those things which need to be done, not because they are politically correct, but because they are right. We are going to pass a civil rights bill if it takes all summer. We are going to pass it because no nation can long endure or prosper if millions of its citizens are barred from their purpose and are denied the use of their talent. We are going to free the logjam of pent-up skills and unused opportunities, because until education is blind to color, until employment is unaware of race, emancipation may be a proclamation, but it will not be a fact. That is why I care about this civil rights bill, and that is why it shall be passed.

We are going to pass a medical assistance bill for the aged, no matter how many months it takes. The sensible, prudent, and lasting way to do this is through the social security system. In every county of this land there are older folks who don't ask much. They simply want to keep their dignity; they simply want a sense of independence and a chance to overcome the inevitable visit of sickness. They cannot survive medical expenses that they cannot pay. Not only because it is decent, but also because it is right, we are going to pass this medical assistance bill. You can be sure of that.

The great challenge of the 1960's is the creation of more jobs. This challenge confronts the business community, the labor community, and the whole Nation. Each year a net 1 to 1½ million new people enter the labor market. We have met this problem head on with a revolutionary decision, the decision to cut taxes. I thank you for your help, because even to get this tax bill out of committee, I had to leave some of my own blood all over the Capitol. But today, $25 million a day extra is going into the hands and the purchasing power of the American consumer, and over $2½ billion a year is a source of new investment for the business community.

I have said to hundreds of businessmen that I have called to the White House, "Here is your opportunity to prove your responsibility as one of the creators of prosperity. Use this tax cut to do the one thing that is most important to this country. Use it to create more jobs." One businessman told me that he would use it and create 18,000 new jobs with new investment. Another businessman told me last Saturday that, because of the tax bill, his company would spend this year for new investment one thousand million dollars. The tax cut is one of your weapons against the threat of automation for the expansion of industry, the construction of new plants and factories, because they build new jobs. I am convinced that the tax cut is the largest economic stride forward in the creation of new jobs that we have taken in the 20th century.

We have declared war on poverty. As long as I head this administration, and I believe as long as Walter Reuther heads the Auto Workers, the terms of this war on poverty are unconditional surrender. I want to read just one sentence from your president's wire that gave me great strength and encouragement: "On behalf of the officers and 1½ million members of the UAW, I am pleased to advise you that in answer to your call, we enlist with you for the duration in the war against poverty." It is signed by Walter Reuther. Let all those who oppose, just for the sake of opposition, and all those who are blind partisans, and all those who pick and peck at our plans, know that they may temporarily deter us, but they will never defeat us.

I should tell you that we won't win this fight in a day or in a year, or perhaps in this generation, but let no man be deceived. This is a fight that we will win. Poverty may be the oldest scourge, but tools available for fighting it are man's newest tools—in our vast new technology, in our expanding science, in the steady growth of all of our resources. This, in fact, is how I see the war on poverty. I see it above all a fight for opportunity, not a handout, not a dole, but a vast upgrading of all of our people's skills. This is also the basic sense of the wider struggle that we wage, the struggle to extend these opportunities to the whole family of man. Nations, like families, are poor because they lack the technology and the capital, and the scientific attitudes to

break through into the modern world. We must seek to do for them what we want to do for our own people, to give them the skills to help themselves. This surely is the essence of our vital policies of economic assistance and development. Again, it is not doles and it is not handouts, but it is a wider and wiser investment in the productivity of societies and men. Today the wealthy one-third of the world have unlocked the secret of abundance and skill. Shall we not use these new resources with vision and audacity? Could anything be more challenging, could anything be more exciting than to set them to work for better skills, for better opportunities, for better hope for all mankind everywhere?

So I say give me your heart, your voice, your vote, and stand up with me and be counted. We want free enterprise and free collective bargaining to support each other. They stand as the cornerstones of the labor policy of this administration. All our experience teaches us free collective bargaining must be responsible. So long as it is responsible, it will remain free.

I hope that responsibility will be present on both sides at the automobile industry bargaining, and that peaceful and responsible settlement, safeguarding the public interest, will be reached. It will be determined, too, in collective bargaining, how machines are to be made to be men's servants instead of their enemies or their masters; how machines can be made to produce more jobs, not fewer jobs; how their fruits can be distributed among all and not just among some. This is where I am going to need the help of my beloved friends PETE WILLIAMS and BIRCH BAYH, who are on the platform. I have already made positive recommendations to the Congress. I have asked the Congress to act upon this problem and to come up with specific ways to solve the problem of automation. There can be and is legitimate disagreement about what should be done by law about the length of the work week, and about penalties for overtime. But there can be no disagreement about the desirability of facing squarely up in collective bargaining to the question of what distribution of the workload and of man's time between work and leisure will be good business and will also recognize the human values that are involved.

I should like for you to know that it is part of our measure of progress that in two generations the work week in the mines and the mills has dropped from 56 to 40 hours a week; that in the last 25 years the full-time workers in this country have gained 155 hours a year in leisure time through changes in the workweek, through vacation, through holiday practices. That is a tribute to your leadership, and that is a tribute to you.

We will rightfully expect to purchase with our rising productivity not only more goods but also more time—more time to spend with our families, more time to spend in recreation and relaxation, in study and thought, and rest. We know it is this union's established policy to seek gains at the bargaining table out of the greater abundance made possible by advancing technology and not out of the pockets of American consumers through higher prices.

You are right in your repeated insistence that progress be made with the community and not at the expense of the community. You will be serving your interests in negotiations with the automobile industry knowing that they are served only as the broader public interest is served. That broader public interest today, more than ever, requires that the stability of our costs and our prices be protected.

The international position of the dollar, which means our ability to do what we need to do beyond our borders, demands that our prices and our costs not rise. We must not choke off our needed and speedy economic expansion by a revival of the price-wage spiral. Avoiding that spiral is the responsibility of business. And it is also the responsibility of labor.

Now I want you to listen to me closely. I speak as President of the United States, with a single voice to both management and to labor, to the men on both sides of the bargaining table, when I say that your sense of responsibility, the sense of responsibility of organized labor and management, is the foundation upon which our hopes rest in the coming great years. This administration has not undertaken, and will not undertake, to fix prices and wages in this economy. We have no intention of intervening in every labor dispute. We are neither able or willing to substitute our judgment for the judgment of those who sit at the local bargaining tables across the country. We can suggest guidelines for the economy, but we cannot fix a single pattern for every plant and every industry. We can and we must, under the responsibilities given to us by the Constitution and by statute, and by necessity, point out the national interest, and, where applicable, we can and we must, and we will, enforce the law on restraints of trade and national emergencies.

The words I have just read are the words of John Fitzgerald Kennedy, spoken to this same great convention on May 8, 1962. It was the policy of this Government then; it is the policy of this Government today.

Now, finally, I want to say to you good men and women, my friends of the UAW, to your leadership, to your good citizenship, to your high responsibility within the labor movement in the world, it means much to this land and it means much to our people, but I have also come here to ask your help not for myself and not for my administration, but for America itself. Together we can all keep America strong. With our strength we can try with all of our energy to keep the world at peace. With peace, we can focus our efforts and our talents to make sure that in this first age of plenty, men and women the world over, whatever their race or religion, whatever their section or station, can, in the words of Franklin Roosevelt, lead a finer, a happier life, and, in my own words, can look forward to the promise of a better deal. Thank you.

## GREEK INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, let us turn our eyes toward the most ancient land of freedom and the first democracy, Greece, which yesterday marked its independence day. Our greatest social and political ideals were propounded and practiced in Greece many centuries ago—individual freedom to strive for the fullest intellectual and personal development; representative democratic government; individual responsibility for the affairs of society; the testing of ideas; some of our basic scientific principles; and innumerable others.

Many dark years separated this ancient democracy from modern free Greece, where independence was declared on March 25, 1821. The Greek war of independence proved that the principle of freedom is never forgotten. It also proved what Americans had learned a few decades before—that freedom is not always easily won. Men must often fight for their rightful claim to a happy life, free from persecution and the fear of war.

The Greek people learned this lesson well in 1821. They showed their determination to remain free after World War II, when communism tried to reimpose tyranny on them. In those years they fully honored their own early heroes, including the ancient democrats of Greece, by their devotion to the principles of freedom and independence.

Greece stands today as a living example of the rewards of democracy. Never before in its history have the people enjoyed a fuller life. Never before have they enjoyed more hope for the future. United in friendship with other free nations, economically viable, and peaceful, the Greek people continue to perfect their society. King Paul dedicated his reign to the attainment of these fruits for his people; and in their grief they can find strength in the knowledge that his works will live on, through an infinite number of independence days, as an example to future generations.

Americans can be proud that the Greeks passed their torch of freedom to us. And the spark ignited in the brilliant minds of the ancient Greeks has now become a brilliant flame touching every part of the world. On each March 25, and throughout the year, Greek and American hands together hold aloft the torch of freedom, lifting it high, so that others may see its light and be freed.

## THE WHEAT PROGRAM AND MEAT IMPORTS

Mr. HRUSKA. Mr. President, yesterday, at a press conference, Secretary of Agriculture Freeman took occasion to blame the American Farm Bureau Federation and the Republicans in the House of Representatives for the delay in final congressional action on the wheat-cotton bill.

In the course of his comments, the Secretary made specific criticism of my distinguished colleague, the Senator from Nebraska [Mr. CURTIS] and this Senator, because of our efforts to secure legislative quotas on imported foreign beef and because of our votes against the so-called, but misnamed, "voluntary" wheat program. He is reported to have said that the drop in cattle prices caused by meat imports would knock about $12.5 million off Nebraska farm receipts—which apparently he did not consider very important; whereas, he claimed, the wheat program would add about $35 million to the incomes of Nebraska farmers.

Let me deal first with his figures on beef. In 1963, Nebraska farmers and ranchers sold, in the aggregate, about 2,473 billion pounds of cattle and calves on the hoof, for estimated total cash receipts of $545 million.

Last year the Department of Agriculture itself, in an elaborate study of the relationships between cattle prices, beef imports, and other factors, worked out a formula to show the effect of imported beef on our domestic prices. According to this analysis, each increase of about 180 million pounds in imports knocks down the average price of choice slaughter steers at Chicago by about 30 cents. Since the imports last year amounted to 1,859 million pounds of beef in all forms—carcass weight equivalent, including live animals—the depressing effect of such imports on our prices would amount to about $3 per 100 pounds.

As previously noted, total sales of Nebraska cattle and calves in 1963 amounted to 24,730,000 hundredweight, in total. If the prices of all types of those cattle and calves were depressed by import competition in the amount of $3 per 100, the total loss to the industry in Nebraska alone would be about $74,000,000, not $12,500,000, as the Secretary stated.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an excerpt from the Livestock and Meat Situation of November 1963, published by the Department of Agriculture, and also a letter from the Administrator of the Economic Research Service, with reference to the magnitude of the impact of imports on the domestic price of choice steers at Chicago.

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

(See exhibit 1.)

Mr. HRUSKA. It appears, however, that the Secretary's calculation does not take into account the total magnitude of imports. Apparently, he is figuring primarily on the basis of a calculation of the decline in cattle prices from 1962 to 1963, and an analysis of the causes of that decline. According to his calculation, beef-cattle prices declined only $3.71 per hundred pounds from 1962 to 1963; and only about 15 percent of that decline does he attribute to imports.

Two things are wrong with that particular computation. First of all, when a comparison involving annual average prices is made, it should be recognized that an annual average sometimes conceals as much as it reveals. The annual average price of choice slaughter steers at Chicago in 1962 was $27.67 per hundred pounds, and in 1963 was $23.96—a decline of about 15 percent, which certainly was painful enough. But that was not the worst.

The market declined through most of the year, and closed for the year a good deal below that annual average figure. Then, in 1964, it went on down some more. The latest market quotation published by the Department of Agriculture, for the week ending March 19, 1964, was one of the worst yet—$21.53 per hundredweight. That is a further fall of over 10 percent more from the 1963 average.

The cattlemen were hurting before, at the 1963 prices; but at these recent price levels, they are facing ruin, Mr. President.

The other misleading point about the Secretary's computation is that it takes account only of the increase in 1963 imports over those in 1962. The 1963 increase was not very great, for the simple reason that 1962 imports were already so huge.

Certainly the combined impact of these 2 years, 1962 and 1963, with their tremendous imports, helped break the market. As recently as 1956, imports amounted to only 254 million pounds, carcass weight equivalent. In 1962, they were 1,725 million; and in 1963, they were 1,859 million. In other words, the imports increased between 600 and 800 percent, while domestic production between 1956 and 1963 was increased from 16,094 to 17,360 million, or only about 8 percent. That increase in imports, by the Department's own formula, is easily enough to account for a price decline of about $2.50 per hundred, or a difference in the neighborhood of $60 million to Nebraska's cattle industry.

Turning now to the scare talk about what will happen to the wheat farmer if this bill is not passed, let us recognize it for what it is—scare talk, the same kind of scare talk in which the Secretary engaged a year ago when he forecast wheat at $1 per bushel if the wheat referendum vote was not favorable. We know the $1 price did not come about. We also know that the new forecast is conjectural, and highly suppositious at best, whereas the financial losses of the farmer who has been raising cattle or feeding them have been, and are, a harsh and cruel reality right now.

As an antidote for the Secretary's present forecast of loss of income to the wheat farmer, I suggest a rereading of the analysis of this situation made by the Senator from Vermont [Mr. AIKEN] during the debate last month on the wheat bill.

The distinguished Senator from Vermont made perfectly clear that the Secretary of Agriculture has the power under present law to maintain a highly satisfactory income to the wheatgrower. He stated in part:

> It is perfectly obvious to anyone engaged in business that with the CCC owning all the old wheat available on July 1, and the new crops running 2 or 3 hundred million bushels below requirements for the coming marketing year, and with a support price of, we will say, $1.89 to $2 announced for the 1965 crop, there would be a scramble for the 1964 crop which would probably guarantee the best prices that the wheatgrowers have had in years.

The foregoing is the situation with regard to the crop year 1964. As to 1965 and following years, Senator AIKEN pointed to the provisions of present law and their operation and opportunity, as follows:

> Section 332, paragraph C, of the Agricultural Adjustment Act, provides that when there is a "national emergency" * * * or a "material increase in the demand for wheat"—and we definitely are in that position now—the Secretary may terminate the national marketing quotas.
>
> If the marketing quotas are terminated, the Secretary may require compliance with acreage allotments as a condition of eligibility for price support and, therefore, he has the authority to establish acreage allotments for 1965, in the event that he does not proclaim a marketing quota.
>
> If a marketing quota is not proclaimed, section 107 of the Agricultural Act of 1949 provides that the support price for wheat to those who comply with acreage allotments, if the Secretary required such compliance, will be from 75 to 90 percent of parity, or from $1.89 to $2.27 per bushel, as determined by the Secretary.
>
> It is perfectly obvious that with the current year's crop running 465 million bushels behind the demand and with a material increase in the demand for wheat, the Secretary is in an excellent position to maintain a highly satisfactory income to the wheatgrower.
>
> It is also obvious that with production running behind disappearance, we must either increase production or cut down on exports.

If the price of wheat drops to the dire levels predicted by the Secretary, that will be his doing, not that of any Member of the Senate. This is clear from the analysis and the presentation made by Senator AIKEN, as they appear in the February 24, 1964, CONGRESSIONAL RECORD, at pages 3383 to 3385.

In his remarks yesterday, Secretary Freeman is quoted as having deplored the "campaign to pit consumers against farmers."

Mr. President, when it came to discussing Nebraska agriculture and how the farmers of Nebraska should feel about their two Senators, Mr. Freeman did not seem to mind trying to pit wheatgrowers against cattlemen. It is suggested that he bear in mind his responsibility to both wheat producers and cattlemen, and to all other farmers and ranchers; and that the public interest will be better served if he ceases this transparent effort to play off one group against the other.

EXHIBIT 1

BEEF IMPORTS

[From the Livestock and Meat Situation, November 1963]

As indicated in table D, fed cattle prices are influenced primarily by fed beef production. For the period 1948–62, a change of 10 percent in steer and heifer beef production caused prices of choice steers at Chicago to change in the opposite direction by an average of about 13 percent. On the other hand, a change of 10 percent in domestic cow beef production plus imports caused prices of choice steers to change in the opposite direction by only 3 percent. These average changes are net changes and take into account the effects of other factors in the analysis. These percentage relationships can also be translated to pounds and dollars at the 1963 level. In this case, a 1-pound-per-capita change in steer and heifer production results in a change in the opposite direction of about 50 cents in the price of choice steers at Chicago. On the other hand, a 1-pound change in the cow-beef-plus-import aggregate affects the choice steer price by only 15 to 20 cents.

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U.S. DEPARTMENT OF AGRICULTURE,
ECONOMIC RESEARCH SERVICE,
*Washington, D.C., December 12, 1963.*

Hon. ROMAN L. HRUSKA,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HRUSKA: We appreciate your having called to our attention an inaccurate statement on page 41 of the Livestock and Meat Situation for November 1963. The statement "A 1-pound change in the cow-beef-plus-import aggregate affects the choice steer price by only 15 to 20 cents," should read "about 30 cents." An official correction will appear in the forthcoming issue of this situation report.

This error occurred even though our situation reports are subject to very intensive review. It was due to a computational error which does not affect the validity of the underlying statistical analysis presented in this particular article, nor the explanation of the drop in the average annual price of choice steers at Chicago from 1962 to 1963.

As we have previously stated, the preponderant factor in the decline has been the increase in the domestic production of fed beef, which could account for as much as $3 of the drop in the annual average price of choice steers at Chicago from last year to this. However, the exact answer will not be determined until final estimates of per capita production and prices of steer and heifer beef during 1963 are available.

As you know, the Department is concerned with the price problems of the cattle industry, including the influence of meat imports. We are making every effort to provide the best possible appraisal of the factors affecting cattle prices so that all concerned will have the benefit of analyses that are accurate and objective.

Sincerely yours,

NATHAN M. KOFFSKY,
*Administrator.*

### THE EASTER MESSAGE

Mr. CARLSON. Mr. President, for some years past I have prepared a short statement in keeping with the season which we are about to enter.

As we enter the concluding days of Holy Week, we again remind ourselves of that dark and dismal Friday and we approach Easter Sunday with hope, light, and life. This gives us strength and courage to carry on in a world that is fraught with distrust, unrest and deep trouble.

The heart of the Easter message is a victory out of defeat. Life would have been without hope had it not been for what happened on that first Easter morning. The resurrection changed everything.

The Master's earthly life was devoted to persuading all men to become one family of brethren.

His pure and lofty lessons were intended to insure the happiness of mankind.

He came to set truth in the place of error, and loving kindness in the place of hatred and persecution.

He taught that every man shall do that only unto his brother which he would wish his brother to do unto him.

He endeavored to deliver his brethren from the bonds of tyranny, to protect the weak and feeble, and to bring back to the paths of duty the oppressors of humanity, but they listened not unto Him and nailed Him to the cross, and as such, He sealed his Gospel of Love with His life.

His life was the embodiment of love, self-denial and self-sacrifice. Truly, "Greater love has no man than this; that he lay down his life for his friends."

At this Easter season, I think it is most fitting to recall the beautifully written poem on the resurrection by Dr. Phillip Brooks:

Tomb, thou shalt not hold Him longer;
Death is strong, but life is stronger;
Stronger than the dark, the light;
Stronger than the wrong, the right;
Faith and hope triumphant say,
"Christ will rise on Easter Day."
And while sunrise smites the mountains,
Pouring light from heavenly fountains,
Then the earth blooms out to greet
Once again the blessed feet;
And her countless voices say:
"Christ has risen on Easter Day."

Mr. MORSE. Mr. President, I am so glad that the Senator from Kansas has made the remarks that he has made.

In these turbulent times it is good that the Senate is taking off until Monday. The intervening days constitute a period which, in a very real sense, are the high holy days for Christians.

It is good that during those 3 days we shall be reflecting upon spiritual values. We should never forget that temporal values are bottomed on spiritual values. It is particularly fitting and fortunate that, as individuals, we shall be contemplating the symbolism and the significance of spiritual values over this long weekend as a fitting preparation for our proceeding on Monday to discuss a great social challenge that confronts religious America—not Christian America alone—but religious America. After all, the teachings of the Bible, the Torah, the Koran, and the other great books of religion, when all is said and done, contain a common, uniform teaching based upon that principle, which each one of us as parents has tried to instill in our children, of doing unto others as we would have others do unto us.

That is the whole essence of the civil rights fight. We talk about it in temperal language. We talk about it in terms of constitutionalism. We talk about it in terms of legislative rights. But, after all, the whole civil rights question rests on the rightness of the Golden Rule. As we undertake this historic debate on Monday, we should never forget that it is based upon the Golden Rule, which all the great religious leaders of all religions sought to teach their disciples.

### ADJOURNMENT TO MONDAY

Mr. PELL. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 10 minutes p.m.) the Senate adjourned until Monday, March 30, 1964, at 12 o'clock meridian.

### NOMINATION

Executive nomination received by the Senate March 26 (legislative day of March 9), 1964:

DIPLOMATIC AND FOREIGN SERVICE

Taylor G. Belcher, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

## EXTENSIONS OF REMARKS

### Richard A. Ports Killed in Senseless Accident

EXTENSION OF REMARKS
OF
**HON. FRANK T. BOW**
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. BOW. Mr. Speaker, I would like to take a moment to pay a last tribute to a young man who once served as a member of my staff, Richard A. Ports.

Dick Ports was killed in a senseless automobile accident Tuesday near Tucson, Ariz., at the age of 32. Despite his youth, he had already risen to positions of importance and responsibility in the Republican Party and with the Garrett Corp., of Los Angeles, of which he was a public affairs executive.

Dick Ports had lived in southern California since his release from active duty in the U.S. Marine Corps in 1959. As a concerned citizen, he was active in the Republican Party and a member of the California State Republican Central Committee. He was an officer in State and National Young Republican organizations, and served with distinction on the presidential and gubernatorial campaign staffs of Richard M. Nixon.

Despite his vigorous Republicanism, Dick had the respect and friendship of men in the Democratic Party as well, as CHARLES WILSON, AUGUSTUS HAWKINS, KEN ROBERTS, and others of our colleagues in that party will testify.

No one who knew him doubts that Dick Ports was destined to be one of the Nation's leaders in business and politics. I find it difficult to describe my shock and my grief that one so young and vigorous, so promising and talented, should be taken in this manner.

That talent and vigor were characteristic of Dick from early youth. He was a leader in high school and college activities in Alliance, Ohio. I came to know him as an energetic young reporter for radio station WFAH and later for the Massillon Evening Independent, and I invited him to join my staff in 1954. Later he enlisted in the Marine Corps, successfully completed officer's training, and eventually served as aide to Maj. Gen. A. L. Bowser.

His death is a loss not only to his family and friends but to the Nation as well, for there was no limit to the contribution Dick Ports could have made to his party and his country.

### Results of 1964 Questionnaire

EXTENSION OF REMARKS
OF
**HON. E. Y. BERRY**
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. BERRY. Mr. Speaker, under leave to extend my remarks, I wish to include in the RECORD the results of the final tabulation of my 1964 questionnaire.

The questionnaire, which was sent to all boxholders in the Second Congressional District, covers a wide field of subjects ranging from pending domestic issues to international affairs. I feel sure

my colleagues will be interested in the response which generally reflects the sound, conservative thinking of the people of western South Dakota whom it is my privilege to represent in Congress.

The results are as follows:

| | Percent | |
|---|---|---|
| | Yes | No |
| **GENERAL LEGISLATION** | | |
| 1. In his state of the Union message, President Johnson asked Congress to enact the following programs, while at the same time stressing his drive for economy. Check those you favor. | | |
| (a) Expand area redevelopment program | 25 | 45 |
| (b) Establish a youth employment program | 35 | 38 |
| (c) Liberalize unemployment compensation program | 13 | 62 |
| (d) Extend minimum wage law coverage | 30 | 45 |
| (e) Broaden the food stamp plan | 16 | 55 |
| (f) Provide funds for construction of more libraries | 20 | 55 |
| (g) Expand public housing | 15 | 60 |
| (h) Provide funds for construction of hospitals and nursing homes | 31 | 37 |
| (i) Provide subsidies for mass transit | 5 | 58 |
| **FISCAL** | | |
| 2. Do you believe the Federal budget should be kept in balance during peacetime years? | 86 | 3 |
| 3. Should planned domestic programs be postponed until there are sufficient revenues to pay for them? | 78 | 7 |
| 4. Do you favor a Federal tax reduction at this time? | 39 | 48 |
| 5. If there is a Federal tax reduction, should Government spending be curtailed to accommodate it? | 80 | 4 |
| 6. Are you in favor of the proposed increases in salaries for Federal workers? | 7 | 76 |
| **INTERNATIONAL AND FOREIGN AFFAIRS** | | |
| 7. Do you believe that foreign aid spending should be— | | |
| (a) Reduced substantially? | 82 | 3 |
| (b) Increased? | 3 | 69 |
| (c) Expanded in Latin America? | 18 | 53 |
| (d) Approved to countries with Communist government? | 3 | 84 |
| (e) Investigated and overhauled from top to bottom? | 85 | 2 |
| 8. Should we continue to support the U.N. even though 26 countries are not paying their share of the cost? | 40 | 42 |
| 9. Should the United States grant diplomatic recognition to Red China? | 5 | 90 |
| 10. Should the President have authority to extend credit to Communist countries? | 3 | 90 |
| **AGRICULTURE** | | |
| 11. Should the United States limit imports of farm commodities that are already in surplus in this country? | 92 | 6 |
| 12. Do you favor a voluntary farm program for wheat and feed grain? | 73 | 13 |
| 13. Do you favor a farm program with mandatory controls and quotas? | 9 | 81 |
| 14. Do you favor a gradual withdrawal by Government from the farm economy? | 85 | 11 |
| 15. Will the interests of the rancher best be protected by quotas and tariff on beef similar to those of most other nations? | 67 | 20 |
| **CIVIL RIGHTS** | | |
| 16. Do you favor Federal civil rights legislation to— | | |
| (a) Protect the right to vote? | 85 | 6 |
| (b) Enforce school integration? | 35 | 47 |
| (c) Give permanent status to the Civil Rights Commission? | 28 | 41 |
| (d) Use the interstate commerce clause of the Constitution to enforce access to public accommodations? | 35 | 40 |
| (e) Enact a fair employment practices law? | 63 | 21 |
| **MEDICARE** | | |
| 17. Do you believe that medical care for the aged can best be handled by— | | |
| (a) Present Kerr-Mills Act authorizing a Federal-State cooperative program for the medically indigent? | 46 | 33 |
| (b) Voluntary, private medical plan with no Federal involvement? | 56 | 22 |
| (c) Substantially increasing social security taxes to finance a compulsory program, regardless of need? | 9 | 68 |

## A Hard Look at Urban Renewal

EXTENSION OF REMARKS

OF

### HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 1964*

Mr. PEPPER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Orlando (Fla.) Sentinel, Feb. 13, 1964]

A HARD LOOK AT URBAN RENEWAL

You frequently hear the charge that urban renewal is loaded with graft, that it fosters corruption, that it wastes more than it accomplishes.

How true are these charges?

The Subcommittee on Housing of the House Committee on Banking and Currency decided to investigate. Here are some excerpts from the testimony.

Mr. ALBERT RAINS, of Alabama, chairman of the subcommittee: "First of all, in your investigations, and I hope you will continue them in all the places, have you found any evidences of corruption or crookedness or stealing in this program at either the local or regional level of any type?"

Mr. Louis W. Hunter, Assistant Director, General Accounting Office: "No, we have not, Mr. Chairman."

Mr. RAINS: "Have you not found any places in which they are shortchanging the Federal Government on the money or any type of crookedness of that kind * * * in the urban renewal program?"

Mr. Hunter: "No. None of that type."

Mr. RAINS: "In your investigation up to now, Mr. Hunter, has this program been administered in keeping with the law?"

Mr. Hunter: "I think we could not say otherwise."

Mr. RAINS: "There has been a lot of loose talk * * * about urban renewal. The General Accounting Office told us * * * that that they had run across * * * no corruption of any kind * * * Mr. ALBERT THOMAS of Texas, chairman of the Independent Offices Subcommittee, Committee on Appropriations, House of Representatives, who can be a very sharp-eyed critic, made this statement which I would like to read into the record:

" 'It has been fantastic to me, the amount of money and the amount of different pieces involved. I think there are around 60,000 or 65,000 pieces of property that have been bought (under urban renewal). I have not heard of any public scandal. It is fantastic.' "

That should answer the charge of graft and corruption.

## Byelorussian Independence

EXTENSION OF REMARKS

OF

### HON. JOHN V. LINDSAY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 1964*

Mr. LINDSAY. Mr. Speaker, I am honored to pay tribute to the brave Byelorussian people, who proclaimed their independence 46 years ago, but who have since suffered suppression under the Soviet Union's Communist regime.

On March 25, 1918, the Byelorussian Democratic Republic was born. But the people of that nation were unable to preserve their independence against the onslaught of overwhelming Bolshevik forces. In 1921, the Communists proclaimed that nation as the Byelorussian Soviet Socialist Republic—in the long run, this had the effect of making the government an administrative arm of the Soviet regime.

The popularity of the Communist Party in Byelorussia may be judged from the fact that before World War II, only 0.6 percent of that country's population were members of the party, and after the war, the number rose to no more than 2.1 percent.

Byelorussia is the third largest constituent Soviet republic. Ethnic Byelorussia borders in the north and east on Russia, in the south on the Ukraine, in the west on Poland, and in the northwest on Lithuania, Latvia, and Estonia. In the west, Byelorussians are often taken for Russians, yet they have, since the beginning of their history, developed quite independently of Russia.

The Constitution written by the independent Byelorussian Government formed in 1918 guaranteed freedom of speech and assembly, the right to form labor unions and the right to strike, liberty of conscience, involability of the person and of the home, the right of national minorities to autonomy and equality of all citizens before the law. This is the grand concept of freedom which the Byelorussians hold sacred. Tragically, that nation lost the right to practice these ideals shortly after it attained its independence.

But Byelorussians have not lost faith in these ideals, and have not lost hope that once more, they shall be able to live in freedom. Each year, Americans of Byelorussian descent as well as Byelorussian immigrants in this country celebrate that grand day of independence, and they and their countrymen remind

the world that their aspirations for liberty have not diminished. The Byelorussian-American Association, Inc. is very active in bringing this point home.

Mr. Speaker, it is an honor for me to join my colleagues in tribute to these brave people, and to assure them that we cherish the hope, as they do, that Byelorussia shall regain its freedom, and that that time shall not be long in coming.

## Annual Questionnaire

EXTENSION OF REMARKS
OF
### HON. CHARLES RAPER JONAS
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. JONAS. Mr. Speaker, the best way I know to keep up with the thinking of the people down home is to circulate a questionnaire from time to time and ask them to respond to questions about some of the issues we face in Congress. While the responsibility of casting votes in Congress must be assumed by the Representative, I have found it helpful to know how my constituents feel about some of the more important issues. In addition, I have found that circulation of a questionnaire stimulates thinking and discussion among constituents. This is all to the good because I believe the more the people think about these issues and discuss them with their neighbors the better informed they will become. I have great confidence in the ability of the people I represent to come up with the right decisions if they become acquainted with all of the facts.

This year I am asking my constituents to respond with a yes or no answer to 10 questions. Since many of these questions are difficult to answer categorically, I am providing space on the questionnaire for those who wish to do so to extend their remarks. As soon as the returns are all in, I shall have them tabulated on an IBM machine and will then publish the results. Following are the questions I am asking this year:

1. (a) Do you approve this country selling wheat to Russia?

(b) If you answered yes, would you favor extending credit to Russia to finance such purchases?

2. Would you approve a constitutional amendment making prayer and Bible reading permissible in the public schools when conducted on a voluntary basis?

3. Do you favor the Civil Rights Act now under consideration by Congress?

4. Do you believe private and parochial schools should be included in any programs of Federal aid to education?

5. Would you approve a Federal income tax credit or deduction for all or part of college expenses?

6. If you answered "yes" to question 5 please answer (a) or (b) following and (c) or (d) following:

(a) would you favor a credit against the tax? or

(b) Would you limit it to a deduction?

(c) Would you limit it (credit or deduction) to a taxpayer who pays college expenses of a dependent? or

(d) Would you extend it (credit or deduction) to a taxpayer who pays college expenses of a student who is not a dependent?

7. The national debt of the United States is now approximately $310 billion. Under existing circumstances, do you favor increasing Federal spending above current levels even if it requires additional borrowing?

8. Do you favor a pay raise for Government employees—including Cabinet officers and executive officials, Federal judges, and Members of Congress?

9. Do you believe our Government should agree to renegotiate the Panama Canal Treaty?

10. On the whole, do you think this country's foreign policy is succeeding?

## Labeling of Foreign Made Motion Pictures

EXTENSION OF REMARKS
OF
### HON. EVERETT G. BURKHALTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. BURKHALTER. Mr. Speaker, I would like to take this opportunity to commend the Subcommittee on Finance and Commerce of the House Committee on Interstate and Foreign Commerce for the announcement by Chairman STAGGERS, of the subcommittee, that hearings will commence following the Easter recess on legislation requiring the labeling of foreign made motion pictures exhibited in the United States. I feel that this is an important area for the Congress to look into for all of the country, and particularly for my State, California, since the motion picture industry has been one of the major factors for the affluence of the southern California community.

The legislation to stop the showing or advertising of foreign-made films without revealing to the public the names of the countries where they are produced has been supported by the Committee To Promote American Made Motion Pictures of men employed in the Los Angeles studios and by religious and youth groups critical of the low standards of pictures produced outside the country.

The climate for the passage of my legislation or that of Congressman CECIL KING which would amend the Federal Trade Commission Act to halt the showing or advertising of foreign films without proper identification has never been better. For the first time we shall present a united front to the lawmakers asking their protection from low-grade pictures made where labor is cheap and taste is low or vulgar.

It is most heartening to find the Tidings, a weekly newspaper published in Los Angeles under the sponsorship of the Archdiocese of Los Angeles, bringing to the attention of the faithful the fact that Red propaganda in movies is advancing on another front and that it is a Communist boast that Yugoslavia will soon be the motion picture capital of the world.

Tito is reported to offer free sound stages, free sets, free technicians, free back lot facilities. And American-made motion pictures must compete with this "free" business, under existing law.

Today four current movies are selling the Communist line that nuclear war is so terrible the United States should appease, retreat, or surrender.

As a member of the Armed Services Committee I know the United States has no reason to fear any nation or combination of nations in the world today. I am extremely grateful for the exposé of the subversive situation in the Tidings.

Another factor in the more favorable climate for protection of the Hollywood industry, is the demise of a labor-management committee in the industry which suddenly shifted its position with respect to elimination or reduction of foreign film subsidies.

This means that the men working in the industry in Hollywood will no longer have to fight their associates who seek other means of reducing the foreign threat and that the industry can go forward together in support of legislation which will expose the evil and brand all movies with their country of origin.

## Byelorussian Independence Day

EXTENSION OF REMARKS
OF
### HON. GLENARD P. LIPSCOMB
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. LIPSCOMB. Mr. Speaker, March 25 marks the day which gives all people of Byelorussian ancestry, no matter where they live, a strong glow of pride, because March 25 is National Independence Day for all free and freedom-loving Byelorussians. It marks the day in 1918 when the people marched shoulder to shoulder into the streets to fight against misery and slavery. It marks the day when conviction and bravery became the foundations of an overwhelming wave of revolution. It marks the day when the Byelorussian people cast off their chains.

Since March 25, 1918, the Byelorussian people have fought against cruel Bolshevik suppression for their honor and their happiness. In 1919 their armed resistance was overwhelmed by the superior numbers and weapons of the Red army, which once again smothered the exciting spark of freedom with tyranny.

Before 1918, the Communists had never gained many followers in Byelorussia. They were scorned by the people. When the czar fell, Byelorussians made their true feelings felt by declaring their independence. The history of Byelorussia since has been one of trying to achieve that independence which it deserves. So far it has not succeeded against the old Russian imperialism thrust upon it anew by the Communists. But continuous agitation against communism has brought severe persecution to the Byelorussians. Strikes, passive resistance, and apathy have thwarted the Russians at every turn for many years. The Byelorussians resisted with every possible means such favorite Communist schemes as farm communes, nationalized industries, and fake elections. That

resistance continued yesterday, it is continuing today, and it will continue tomorrow. If the Communists were to give the people a free choice, the Marxist system would be destroyed overnight.

On March 25, 1964, we celebrated the 46th anniversary of Byelorussian independence. But celebrating by itself is not enough. We must continue to speak about freedom, and to give the world its best example of democracy in action. Only that way will the Byelorussians be able to keep up their resistance against the great hypocrisy of a better life promised by communism. Only that way will Byelorussia again be free.

## A Political Poster

EXTENSION OF REMARKS
OF
### HON. FRANK J. HORTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. HORTON. Mr. Speaker, today's New York Times announces a new White House project that raises serious questions. The project concerns the printing and distribution of posters bearing a picture of the President and a personal appeal for Americans to help win the war in South Vietnam.

This is the most thinly disguised piece of political advertising I have ever seen. Further, it implies that the American public has somehow been lax in doing all it can to secure a victory over communism in southeast Asia.

I want to know what is behind this precampaign project which uses taxpayer money to advertise the President. I want to know how many of these posters are being printed, where they are being distributed, and what heavy bureaucratic hand will arrange their prominent display.

I have no objection to the Government's reminding our citizens that we need to apply our best efforts in support of our forces in South Vietnam. It should be obvious that we entered this conflict to win and to save a strategic area from a Communist takeover.

But, it is shameful when less than 8 months prior to our national elections the administration seeks to exploit a situation in which American men are fighting and dying for political purposes. This is a strong statement, but I feel strongly about it, Mr. Speaker, and I regret and resent the insinuation that our fellow citizens are guilty of causing a slowdown that should give them uneasy sleep.

If the President is truly in need of help in order to cope with the Vietnam situation, let him go before the public and state his case directly. To date, there has been no substantial information on this important foreign policy matter given either to the public or to the Congress. In fact, there is mounting evidence of news suppression concerning South Vietnam.

I cannot recall when the country has been so much in the dark on a matter of grave international importance. How the President can now launch a public appeal in behalf of the South Vietnam conflict when we really know little about that conflict can be credited only to personal ambition.

Mr. Speaker, if such poster projects are allowed to go unchecked, can you imagine the extent to which they could conceivably be carried? Now that our national defense effort in South Vietnam has been chosen as a vehicle to advertise the President, I would not be surprised to see the next batch of military recruiting posters with the traditional pose of Uncle Sam replaced by the present White House occupant. Of course, the caption then should read: "I Want You To Vote for Me."

## Byelorussian Independence

EXTENSION OF REMARKS
OF
### HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. DINGELL. Mr. Speaker, the Byelorussians are among the earliest Slavic peoples known in the West. The recorded history of these stalwart and sturdy inhabitants of the borderland in northeastern Europe, east of Poland and west of Moscow dates from the 10th century. Soon after that they were Christianized and then organized their own diocese and cultural centers around the historic capital city of Smolensk. They had also organized their own state and managed to survive the deluge of Asiatic invasions during the 12th, 13th, and 14th centuries. They held their own against all comers and maintained their freedom. Then in the 15th century, when they faced the "barbaric Muscovite hordes," they were gradually submerged in the future Russian Empire. By the 16th century they were all but lost in the then bottomless sea of czarist Russia.

Thenceforth for more than 300 years Byelorussia was no more, its inhabitants goal, for the odds against them were independence. All their efforts, howsuffering under the czarist autocracy. But during all that time these doughty fighters for freedom did not lose heart in their cause and struggled for their ever, were not sufficient to attain their frightfully forbidding. The only real chance they had to realize their dream was in 1918, after the overthrow of Russia's czarist regime by the Bolsheviks in 1917. Very early in 1918, Byelorussian leaders braced themselves, then proclaimed Byelorussia's independence and founded the Byelorussian Democratic Republic on March 25.

That historic day marked a new day for the Byelorussian people and ushered in a new era for them. For the first time in centuries they became masters of their own destiny, and under most difficult conditions they worked hard to make their war-ravaged country a viable place in which to live and enjoy life in freedom. But in this period of joy and optimism fate seemed unkind and cruel to Byelorussians. From the outset the new state was surrounded by foes whose aim was to rob the Byelorussians of their newly gained freedom; Communist Russia was their deadly foe. The unhappy Byelorussians by themselves could not stave off the mortal threat facing them. After maintaining their precarious independence for about 3 years, they were robbed early in 1921 of their most cherished and priceless possession, their freedom and independence. The Red army overran Byelorussia and then the country became part of the Soviet Union.

From that year on, for 43 years, these 10 million freedom-seeking and peaceful Byelorussians have been suffering under Communist totalitarian tyranny in their historic homeland. On the 46th anniversary celebration of their independence day let us all hope and pray for their delivery from that tyranny.

## We Should Support and Urge a "No Money, No Vote" United Nations Policy

EXTENSION OF REMARKS
OF
### HON. ED FOREMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. FOREMAN. Mr. Speaker, the world can no longer afford the luxury of coddling Russia and her satellites who refuse to pay up in the United Nations. Russia's repeated threats to withdraw from the U.N., if the claim for money she owes is pressed, are the shallowest form of dominance through fear. The Soviet Union would lose power and influence overnight were it not for her membership in, and veto power over, the U.N. Here is her best listening post, her best propaganda forum, and her largest stage on which she can strut and play her roles.

Russia assumes the character of protector of the rights of nations, and demands U.N. peacekeeping units, as in Cyprus, and then refuses to pay her share of the cost. The International Court of Justice, in fair and full hearings, ruled the assessments legal and binding. The Court found Russia liable and ruled she must pay or lose her vote in the Assembly and the Councils of the United Nations. There is no real debate here. The Charter of the U.N. specifies penalties for this violation. Those penalties must be applied without fear or favor.

To cringe and retreat each time Nikita Khrushchev prattles, is to operate from a position of indecisive weakness, rather than positive strength. Never in history has a nation, by its vacillation, halting and timidity, apologized so frequently for its power and authority as has the United States. In the United Nations, however ineffective it may be at times, the United States has the inescapable responsibility to demand fair, impartial and equal treatment of all its members. It is unthinkable that the

champions of freedom, honor, and dignity among men and nations will continue to bow to gangsterism and flagrant abuse of the systems of debt and payment. There is a simple policy: "No money, no vote"—let the U.N. enforce it.

## Well-Deserved Tribute to Angela Bambace and Sam Nocella

EXTENSION OF REMARKS
OF
**HON. EDWARD A. GARMATZ**
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. GARMATZ. Mr. Speaker, rarely do we find persons who are outstanding in several areas of activity, but last week it was my privilege to be present at an affair honoring two outstanding personalities in the Baltimore area who have won distinction in the labor field and in the field of social services, through their humanitarian interests. They are Miss Angela Bambace and Mr. Sam Nocella.

Miss Bambace has been active in the International Ladies' Garment Workers' Union since she became a member in 1917 and has risen to the position of vice president and manager, upper south department, International Ladies' Garment Workers' Union. In addition, she has served as a delegate to the Democratic National Convention, is a member of the Italian-American Labor Council, the ADA, the American Civil Liberties Union, and is on the board of directors of the Baltimore Symphony Orchestra.

Mr. Nocella has been active in union activities since 1919 when he joined the Amalgamated Clothing Workers of America. He has served as manager of the Maryland, Virginia, and Pennsylvania regional joint board, and under his direction a geriatric center for the joint board's retired workers was constructed. He has recently sponsored a program of eye and health examinations for the members of the union. He is now vice president, manager of the Baltimore Regional Joint Board, Amalgamated Clothing Workers of America.

On the occasion of the 40th anniversary of the Israel Histadrut campaign, an organization which helps support a network of vocational schools, provides scholarships for underprivileged youth, makes grants for research scientists and maintains cultural and youth centers, among its other activities, Miss Bambace and Mr. Nocella were honored for their work over the years for the improvement of the economic and social conditions of their fellow citizens.

In tribute to them, the proceeds of the testimonial dinner will go toward the establishment of an Angela Bambace and Sam Nocella Histadrut Scholarship Fund, to aid worthy teenagers in Israel to obtain a secondary or vocational education.

A notable group was present at the dinner in their honor, including Mayor Theodore McKeldin; Maryland's Attorney General Thomas Finan; City Councilman Jacob J. Edelman, who served as toastmaster; the Reverend Frederick Helfer; Father Dunn; Rabbi Abraham Shusterman; Under Secretary of Labor John F. Henning; Moe Falikman, chairman of the American Trade Union Council for Histadrut; Jacob Potofsky, general president of the Amalgamated Clothing Workers of America; Dominic N. Fornaro, president of the Baltimore Council of AFL–CIO Unions; Charles Kreindler; Hyman Blumberg; and Gus Tyler.

The high honor bestowed on Miss Bambace and Mr. Nocella will, I am confident, inspire them to continue their outstanding services to their fellow men for many more years, and inspire those present to follow their good example.

## The Importance of Civil Rights

EXTENSION OF REMARKS
OF
**HON. HUGH SCOTT**
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
*Thursday, March 26, 1964*

Mr. SCOTT. Mr. President, for 2½ weeks we have been discussing on the floor of the Senate a motion to consider the civil rights bill. As a cosponsor, I am particularly interested in having the bill becoming law.

I ask unanimous consent that three reports supporting this position be printed in the RECORD.

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

[From the Philadelphia (Pa.) Tribune, Feb. 29, 1964]

RIGHTS BILL MAY PASS WITH THE HELP OF GOD AND SENATORS CLARK AND SCOTT

The U.S. Senate will be the battleground. Combatants will be northern Democrats and Republicans pitted against southern Democrats and Republicans.

At stake will be a strong civil rights bill which, if passed by the Senate, will strike at the core of discrimination, segregation, and prejudice in this so-called land of the free—so-called because 20 million of its citizens have been, and are being, denied the inalienable rights supposedly guaranteed them by the Constitution for the simple reason that their skin is darker than the skin of 170 million other Americans.

Fortunately for freedom fighters and civil rights advocates, however, two formidable champions have been named by the liberal Democratic and Republican leadership to direct the battle for civil rights legislation on the Senate floor. These champions are Pennsylvanians who hail from Philadelphia: JOSEPH S. CLARK, JR., Democrat, and HUGH SCOTT, Republican.

Senators CLARK and SCOTT are famous for taking up the cudgel in defense of underdogs. Their record for sponsoring and supporting liberal legislation has won them the praise of Negroes and other minority groups. That they are prepared by training, know-how, and dedication to take on—and best—the "cream" of the southern crop of Senators sworn to defeat civil rights legislation at any and all costs, there are no doubts.

These two gentlemen may differ on matters pertaining to foreign policy and some domestic policies. But they see eye to eye on the issue of civil rights for Negroes—now. They are as vehemently opposed to the anti-Negro antics of the Governor of Mississippi and the Governor of Alabama as they are opposed to the anti-American actions of Khrushchev and Castro.

Passage of the civil rights bill in the Senate will not be easy. It will be a task almost as difficult as cracking a stone wall with a human fist. For there are many tactics southerners intend to use in their efforts to scuttle the bill. Leading the men from below the Mason-Dixon line, and mapping their strategy will be Senators RICHARD RUSSELL, of Georgia; JAMES O. EASTLAND, of Mississippi, and ALLEN ELLENDER, of Louisiana.

Still, with the help of God—and JOE CLARK and HUGH SCOTT—there is excellent reason to believe the forces of good will triumph over the reactionaries bent on keeping Negroes mired in the morass of second-class citizenship.

AN EDITORIAL BY DAVID POTTER OVER WNAE RADIO, WARREN, PA., MARCH 15, 1964

This is David Potter, manager of WNAE, editorially speaking. On one of our broadcasts of world news last week, we carried a recorded statement by Senator HUGH SCOTT. In it, the Republican of Pennsylvania set forth in no uncertain terms his stand on the civil rights bill around which battle lines are forming in the U.S. Senate.

I felt that Senator SCOTT's forthright statement should be repeated. He said:

"A filibuster has just closed in around the Senate. The rules which permit unlimited debate will now be abused by those who seek to defeat civil rights legislation. This is the legislation recommended by the late President Kennedy and I am a principal cosponsor. The opponents of this bill can filibuster for weeks or for months. If the Senate goes into 24-hour session, I have in my office a cot, a coffee pot and some canned goods. I'm going to fight the filibuster and at the end of it I'll be on the Senate floor ready to fight for the civil rights bill—for every provision, for every word. This legislation is right and I know it. And let me make a prediction. We're going to pass it."

Politicians are sometimes accused of placing moral grounds last in their considerations of issues. Such is not Senator SCOTT's priority in this vital matter. He has placed moral grounds first and is working for the passage of the bill, not merely waiting to vote for it if it can ever be brought to a vote in the Senate.

You may recall that early in the year one of these editorials was in the form of an open letter to Representative ALBERT JOHNSON soon after he took his oath of office as U.S. Representative from this district. In that letter, Representative JOHNSON was urged to begin his service by supporting the civil rights bill in the House. His response was: "You can state on your broadcast that I intend to vote for a civil rights bill when one finally comes up for a vote in the Congress."

I believe it's important to emphasize that Representative JOHNSON kept that promise. His vote among the "ayes" helped make both personal and legislative history in the House of Representatives.

It's good to know that our new Congressman and Pennsylvania's veteran Senators are in agreement on this critical issue.

This is David Potter editorially speaking.

FROM A PROGRAM PREPARED BY SENATOR SCOTT AND SENATOR ALLOTT FOR USE BY PENNSYLVANIA RADIO STATIONS, MARCH 15, 1964

SCOTT. Well, as you know, we're right in the middle of a civil rights filibuster. We don't know how long it will last. But I am a cosponsor of the bill. I favor the House bill and there's much speculation as to how long the filibuster will run and whether we

have the votes for cloture. How do you feel about this?

ALLOTT. Well, I listened to the majority whip over one of the radio circuits last Sunday night and he said that he didn't think that cloture would be necessary. Now, I think this is completely unrealistic thinking because I believe that eventually, cloture will be necessary. It is this sort of statement, I think, that gives the constant rise to the rumors which you and I hear around here, or the opinions expressed by Members of the Senate that perhaps some sort of a deal has been made on the civil rights, or a compromise of it.

SCOTT. This is what I suspect, too, because cloture, ladies and gentlemen, means shutting off debate. And if the majority whip, Senator HUMPHREY, says you're not going to have to shut off debate, that means that the southern Democrats will stop talking voluntarily. Take it one step further. They'll only stop talking voluntarily if something has been offered them to weaken the bill, or presumably something else even more valuable may have been offered to them. But these trial balloons that keep coming up from the Senate majority leadership indicating you may not have to have cloture, it seems to me are strong indications that some kind of a deal is afoot and if the deal fails, then you get cloture. If the deal goes through, at some point the southern Democrats, with a gentleman's agreement or understanding, are just going to stop talking. It's never happened before in the history of the Senate, that I remember, that they have stopped.

ALLOTT. I don't recall it either. And, of course, the real burden in this civil rights debate falls upon those of us who are for civil rights—not for those who are carrying the filibuster because they can divide their team up into two men on the floor for every third day and be on the floor for 6 or 8 hours. They can carry that burden quite easily. On the other hand, any time they call for a quorum, we who are in favor of civil rights have to supply 51 percent of the membership to make the quorum.

SCOTT. Yes; and considering that the Republicans are outnumbered 2 to 1, we have to supply a better percentage of the Members to meet the 51, the quorum, than the Democrats do. And this is a burden for 33 Senators who have to be awake and around most of the time for whatever length of time it takes.

ALLOTT. Well, like you, I would say that when the time comes, I am prepared to sign the petition for a cloture when I think adequate time has been had for a discussion of all of the features of this bill. And I am willing to vote for a cloture. But I believe that unless a deal has been made, this is the only way this debate will be terminated.

## Byelorussian Independence Day

EXTENSION OF REMARKS
OF
### HON. STEVEN B. DEROUNIAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. DEROUNIAN. Mr. Speaker, it is most appropriate that we pause a moment to commemorate Byelorussian Independence Day. If we believe in freedom, we should carry its promise to all parts of the world. On their 46th anniversary, Byelorussians are laboring under the same tyranny which communism strives to bring to the whole world. Perhaps our words here will encourage the Byelorussian people to continue their resistance to that tyranny.

Byelorussia was a leader in the wave of revolution that swept Russian imperialism out of most of East Europe in 1918, and the first to bear the full brunt of Bolshevik savagery. Its geographic position alone enabled communism to triumph over freedom. The Byelorussians, could they speak freely today, would tell you that communism is indistinguishable from old Russian imperialism. They suffer just as much.

Byelorussia has every right to liberty and the pursuit of its own path to happiness, which is denied by Russia. The Byelorussian people provide the world with a living refutation of the false promise carried by communism to the great proportion of mankind which now struggles to cast off the lingering chains of imperialism. Our celebration of Byelorussian independence is not sufficient when the Byelorussian people themselves cannot celebrate. Let us hope that every year Byelorussian courage and love of freedom increases, so that soon our fellow men in Byelorussia will be able to rejoin the great and growing family of freemen.

## Byelorussian Day

EXTENSION OF REMARKS
OF
### HON. EMILIO Q. DADDARIO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. DADDARIO. Mr. Speaker, the date of March 25 marks the anniversary of the proclamation of independence of the Byelorussian Democratic Republic. In annually commemorating the events of 1918 we honor the valiant courage and determination of the Byelorussian people who were forced to struggle against Poland, Germany, and Russia in order to preserve their freedom. Such formidable enemies inevitably overwhelmed and divided the new Republic. And today in the minds of too many people, Byelorussia is an unknown or confused concept.

The events as recorded in history are swiftly tragic for that brave nation, but these brief recordings must be appreciated in the light of their full significance. In 1918, the Slavic people of Byelorussia consolidated their culture, their territory, and their people into an independent nation. From the moment of this declaration, the territory of Byelorussia was no longer subject to annexation but could only be gotten by invasion; her culture could not be merely absorbed but had to be oppressed, and her people could not be occupied but had to be enslaved and redistributed. These were the prices that had to be paid because the Byelorussian people chose to exercise a right that is inherent in all man. These are the sacrifices that called forth in the Byelorussian people the deeds of courage that have made of their nation an exceptional symbol of resistance to the flood of Communist oppression.

It is therefore proper that we join the Byelorussian people in all areas of the world in a rededication to their goals of a free and independent nation.

## Softwood Lumber Standards

EXTENSION OF REMARKS
OF
### HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. BOW. Mr. Speaker, inasmuch as there are many Members interested in the subject of softwood lumber standards, I wish to insert in the RECORD for their information a copy of my letter of March 10 to Secretary of Commerce Luther Hodges and a copy of the Secretary's reply of March 17, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., March 10, 1964.*

Hon. LUTHER H. HODGES,
*Secretary of Commerce,*
*Washington. D.C.*

DEAR MR. SECRETARY: As you know, I have long been interested in the proposed new lumber standards and have been hopeful that this issue would be settled promptly and without further unnecessary delay. Thus it was with considerable interest that I read a press release by Representative JAMES ROOSEVELT last week indicating that a settlement of the matter is being postponed perhaps for many months.

Mr. ROOSEVELT speaks of having received various "assurances" from your Department which could be interpreted to mean that you are abdicating your authority in this field to his subcommittee. I think it important to my constituents in the industry that we have a clear understanding of the meaning of these assurances, and will appreciate an answer to the following questions:

1. Does reopening of the list of those to whom the proposed standards change will be sent for comment mean that the same 20 percent of membership restriction which had previously been imposed upon other organizations submitting names of prospective acceptors, will still apply?

Secondly, is it the intention of the Department of Commerce to resolicit participation by organizations which have previously declined to participate as acceptors? The American Trucking Association representing a large number of trucking firms, indicated in 1963, when first afforded the opportunity to submit a list of prospective acceptors, that it declined to do so on the grounds that it had no direct interest in the standard. I note from Mr. ROOSEVELT'S release that they will now be asked to supply a list.

2. Does the Department of Commerce contemplate any modification of previously determined "weighting" procedures for various categories of acceptors? Mr. ROOSEVELT notes in his press release that "the most careful consideration will be given to the comments in view of the interests making them." Further, what does Mr. ROOSEVELT'S statement that "the Department 'is not seeking mere yes or no answers. It desires affirmative suggestions and information concerning the workability, equity, and economic impact of the proposed standard,'" mean? Does it mean that responses not bearing specific suggestions by either proponents or opponents

will be evaluated at a lesser weight than those bearing "affirmative suggestion?"

3. Does Mr. ROOSEVELT's report of "assurances" that his subcommittee and the ALSC itself would also be consulted concerning the makeup of the committee indicate that the Secretary of Commerce will seek court sanction of what appears to be a surrender of his powers of appointment under procedures previously approved by the district court? Does the "concrete proposal for reconstitution (of the ALSC) being developed," mean that consideration of assigning prospective ALSC members will be left to the Subcommittee on Distribution of the House Select Committee on Small Business Matters?

4. If additional enclosures, other than the majority and minority positions and the table of equivalent green sizes, are to be included with the mailing of the standards proposal, may I be advised of their nature and purpose?

5. Do Department of Commerce "assurances" to Mr. ROOSEVELT that it will take no action until the subcommittee has had the opportunity of first holding full hearings and then submitting its findings to the Department," imply that the subcommittee judgment will take precedence over Department of Commerce? The Department is obligated to promulgate the standard if it is proved to be acceptable by the vast majority of acceptors polled and is, in the opinion of the Department, in the public interest. Does the Department contemplate that in future standards matters, regardless of the industry involved, the Subcommittee on Distribution will be consulted prior to promulgation of any standard as an approved industry standard? If such procedure is contemplated will the chairman of the Subcommittee on Distribution or his designee serve as a member of all industry committees concerned with industrial standards?

Those of us who are earnestly concerned with improving the standards of quality for softwood lumber, whether it be green or dry, need to know the full extent of agreements reached by Mr. ROOSEVELT with officials of the Department of Commerce so that we can anticipate further delays and gear the industry and the consumer to deal with them.

Sincerely,

FRANK T. BOW,
*Member of Congress.*

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THE SECRETARY OF COMMERCE,
*Washington, D.C., March 17, 1964.*

Hon. FRANK T. BOW,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. BOW: Your letter of March 10, 1964, inquired about a recent press release on softwood lumber standards by Representative JAMES ROOSEVELT of the Select Committee on Small Business.

In the past several weeks, we have made considerable progress and are now preparing to circulate the proposal widely within the industry and interested public for comment.

The assurances of this Department to Representative ROOSEVELT were just clarifications of the procedures which the Department has been and is following in getting representative industry comment on the proposed standard. The answers to your specific questions follow in sequence:

1. The 20-percent membership restriction on trade organizations is still applicable to any trade organization asking for inclusion on the mailing list. The mailing list is mainly opened to individuals or individual firms which specifically request their names to be placed on the list to receive a copy of the proposal for individual comment. Until the mailing list was closed last fall, individual requests were honered in the same way. The Department of Commerce originally solicited participation by organization, but we do not intend actively to solicit participation by organizations any further. Individual members, however, have an opportunity to receive a proposal for comment. They would have to indicate on the response form the nature of their interest so that their comments would be analyzed properly.

2. Our procedure for weighing the various comments received has not been changed. We have always intended to make a careful analysis of the responses according to geographic location, amount of production, interest in the industry and so on. This will be both by number and by comment for each segment. Much confusion has arisen from the misconception that we were conducting a referendum or vote. We have never taken that position. The assurance to Congressman ROOSEVELT was simply an explanation that our system of analysis of the responses would not be by total number for and against, but would be made according to segment and interest. It is possible, for example, that producers would have different comments and percentage of acceptance than carpenters. The National Bureau of Standards would not attempt to accord one category greater "weight" than another.

3. Last fall we announced that we were reviewing generally the membership and procedures of the existing ALSC to see if changes ought to be recommended to the court having jurisdiction. We have assured Congressman ROOSEVELT that any comments of his subcommittee on what the proper constitution of the committee should be will be taken into account in making our recommendation. This Department has not surrendered any of its authority or responsibility for appointing members of this committee.

4. We are enclosing with the proposal, in addition to majority and minority reports, a brief statement of what the existing standard is and what the differences are between it and the proposed standard. I also plan to add my own letter sending the proposal to the industry and interested public for comment.

5. We have not postponed any action pending full hearings by the subcommittee. As you know, Congressman ROOSEVELT had originally planned to have hearings beginning March 3. After hearing an explanation of our procedures, he concluded that any hearings he has can best take place after the comments from industry and the interested public have been received by this Department and analyzed. We have always intended to make such an analysis public before our final decision in this matter. Any group or committee would thereby have an opportunity to discuss the full implications of the proposal in light of the comments. We have told Congressman ROOSEVELT that if he wishes to have hearings we would be very happy to consider the results in making our decision. We have no procedures for seeking the prior approval of the Subcommittee on Distribution prior to the promulgation of this or any other standard. However, the Congress always has had an interest in what our Department does with respect to standardization. If one of the committees of Congress desires to express its views, we would be happy to study them just as we would consider the views of trade organizations or private groups.

As I have repeatedly emphasized to members of both sides of the lumber standards question, the Department of Commerce intends to see that all segments of the industry and interested public have opportunity to participate in this cooperative, voluntary procedure. We think our procedures will tell us what the extent of the opposition is so that we can determine whether or not substantial support exists. I am sure you know that the commodity standards program cannot operate without wide voluntary acceptance of a proposal within the affected industry. The standards are not mandated. This being so, we have to be considerate of the views of all who wish to express them.

These are our concerns. We believe we are progressing as rapidly as possible consistent with our obligation to get the views of all in this cooperative process.

Sincerely yours,

LUTHER H. HODGES,
*Secretary of Commerce.*

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## Civil Rights—Justice and Equality for All Our Citizens

EXTENSION OF REMARKS
OF
## HON. JAMES C. HEALEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 1964*

Mr. HEALEY. Mr. Speaker, I regret that the U.S. Senate continues to delay action on the civil rights bill after all these weeks. We passed this important legislation in the House on February 10. I continue to receive a large volume of mail from my constituents thanking me for my vote for the bill and my sponsorship of it, and asking that my efforts continue for final passage. Because of such great interest expressed by residents of my district, I insert in the RECORD at this time my testimony on the civil rights bill on July 17, 1963, and my remarks on the House floor on February 5, 1964:

TESTIMONY OF CONGRESSMAN JAMES C. HEALEY, OF NEW YORK, BEFORE THE COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES ON JULY 17, 1963

Mr. Chairman, I am grateful for this opportunity to present to you and members of your distinguished committee my views on H.R. 7152, your omnibus civil rights bill and my own bill, H.R. 7224, containing the President's civil rights proposals. As you know, my bill, H.R. 7224, is identical to your bill, Mr. Chairman. I am here to testify in favor of these proposals and to urge approval by your committee.

You will recall that I was one of the sponsors of legislation to eliminate the poll tax, which passed in the 87th Congress.

You also have before your committee my bill, H.R. 2095, to eliminate unreasonable literacy requirements for voting; and my bill, H.R. 6639, to extend the Civil Rights Commission and to broaden the scope of its duties. These proposals are both incorporated in our omnibus civil rights bill.

Mr. Chairman, 100 years ago Abraham Lincoln issued the Emancipation Proclamation assuring freedom and equality to all Americans. One hundred years later, some of our people are still deprived of these rights. Across our Nation we are seeing evidence of impatience of some of our American citizens who are victims of discrimination. And the rest of the world watches while we preach to them about freedom.

The erupting civil rights crisis has injected a sense of urgency into this session of Congress and our adjournment date should not be set until action is taken on this problem. Congressional inertia in this area of our national life would be tragic. As our President has put it so adroitly:

"* * * the result of continued Federal legislative inaction will be continued, if not increased, racial strife, causing the leadership on both sides to pass from the hands of responsible and reasonable men to purveyors of hate and violence, endangering domestic

tranquillity, retarding our Nation's economic and social progress, and weakening the respect with which the rest of the world regards us."

There should be no partisan politics here; Congress must enact legislation to lay the guidelines for solutions to the various phases of this problem. Failure to do so will weaken the fabric of this Nation at a time when it needs its full strength.

Legislative relief is needed in the areas of voting, education, employment, and public accommodations. It has been in these spheres of activities that the American Negro's struggle for full equality has been a frustrating one.

The struggle is not that of the Negro alone. No American should be denied his basic rights to work, eat, vote, to learn, and to live where he chooses.

Effective action must be taken by Congress to assure justice and equality for all of our citizens.

Legislation cannot change a person's prejudices. If color discrimination were to disappear overnight, the Negro's low economic status would still handicap him. But legislation can work to eliminate conditions that handicap the Negro. And this is where we have a responsibility in the U.S. Congress.

The proposals in our bill, Mr. Chairman, attempt to remove the barriers which some of our citizens have faced the past 100 years—barriers which will stand in the way of enjoyment of full citizenship, to which every American is entitled, and which is guaranteed in his birthright.

There are those who regard the President's proposals as too much, too soon, as too ambitious an undertaking, especially in terms of success. I think not. They offer the Congress a set of solutions that should be acceptable to all men and women of good will. They are not designed because of mere economic, social, or diplomatic considerations. They were designed out of the knowledge that to insure the blessings of liberty to all is the primary prerequisite in a democracy, in a government, of and by, and for the people.

Our basic commitments as a nation and a people, our conscience, our sense of decency and human dignity, demand that we try to eliminate discrimination due to race, color, religion. To eliminate it is (1) not to practice it, and (2) not to tolerate it on the part of others. If we are successful in eliminating discrimination in our great country, other countries will look to us for having given substance to the dream of freedom and equality. If we do not, then we have lost our dignity and leadership both at home and abroad.

* * * * *

Limitation of the exercise of that right to vote according to race serves no other purpose than to put into doubt the rendition of justice to the Negro citizen and the protection of his rights. A government not electorally responsible to one segment of our national citizenry, seriously jeopardizes the very essence of our representative democracy and the political life of the Nation as a whole.

Under the provision of our civil rights bill, Mr. Chairman, voting protection in Federal elections would be strengthened by providing for the apportionment of temporary voting referees, and by speeding up voting suits. For States having the literacy test, a presumption of qualification to vote would be created by "the completion of the sixth grade by any applicant." The constitutionality of such a provision is beyond reproach; Congress has within its purview of constitutional powers the power to regulate the manner of holding Federal elections.

Mr. Chairman, with regard to the elimination of unreasonable literacy requirements for voting, I would like to quote from my testimony before your committee in the 87th Congress: "It is a known fact that unreasonable literacy tests have been used unjustly to deny the right to vote. Education is a reliable gage of literacy, but how much education? At what point should the standard be set? My bill establishes the minimum line at the completion of the sixth grade in schools * * * this is a reasonable demarcation point, and I believe the most effective device is the one in my bill. It consists of establishing an objective standard by which an individual's literacy may be judged. This eliminates the intrusions of bias or prejudice * * * it requires the determination of fact, rather than a judgment or an interpretation."

Title I under our omnibus civil rights proposal would further require that if a literacy test is used as a qualification for voting in Federal elections, it shall be written and the applicant shall be furnished, upon request, with a certified copy of the test and the answers he has given.

* * * * *

Title II of our bill proscribes discrimination in public establishments such as hotels and motels engaged in furnishing lodging for guests traveling interstate; movie theaters and other public places of entertainment which present forms of amusement which move in interstate commerce traffic; and restaurants and stores that extend food services, facilities, and the like, the substantial portion of which has moved in interstate commerce, for sale or hire to a substantial degree to interstate travelers. Arbitrary practices guided by racist considerations in this area create nothing but unjust hardships and inconveniences for the Negro citizen. He is forced to stay at hotels of inferior quality, and travel great distances to obtain any kind of satisfactory accommodations or food service.

Discrimination in the field of public accommodations should find no quarter of sympathy or tolerance in our National Legislature. As it contributes to an artificial restriction of interstate commerce, it can best be removed by congressional action invoked under the commerce clause. In addition, legislative action can be justified by the equal protection clause of the 14th amendment: as these particular vehicles of private enterprise are licensed by the appropriate State authorities to engage in their particular activity, discriminatory practices found therein take on the character of State action and therefore fall within the limits of the 14th amendment.

Critics of the public accommodations section level the charge that legislation of this kind would amount to an unconstitutional hindrance to property rights. The soundness of this argument is tenuous to say the least, for when was the right to property considered to be absolute? President Kennedy answered his critics by saying that: "The argument that such measures constitute an unconstitutional interference with property rights has consistently been rejected by the courts in upholding laws on zoning, collective bargaining, minimum wages, smoke control, and countless other measures designed to make certain that the use of private property is consistent with the public interest * * * indeed, there is an age-old saying that 'property has its duties as well as its rights'; no property owner who holds those premises for the purpose of serving at a profit the American public at large, can claim any inherent right to exclude a part of that public on grounds of race or color."

Mr. Chairman, a further provision of the bill—title IV—provides for the establishment of a Community Relations Service, the duties of which would be to work with regional, State, and local biracial committees to alleviate racial tension. The value of such a service cannot be emphasized enough. Lacking the power of subpena, it would advise and assist local officials in improving the communication and cooperation between the races. By so doing, the Service would go a long way in helping to preclude recurrencies of racial crises.

I have already mentioned the Civil Rights Commission; title V will extend and broaden its powers. With regard to title VI, our Federal Government provides financial assistance or backing for many programs and activities administered by local and State governments, and by private enterprises. As a Member of the U.S. Congress, it is my privilege and responsibility to vote on these proposals and I feel the activities and benefits of such programs should be available to eligible recipients without regard to race or color. This should also apply to the employment practices of the organizations involved, public or private.

Title VII authorizes the President to establish a Commission on Equal Employment Opportunity, to prevent discrimination against employees or applicants for employment because of race, color, or religion, or national origin, by Government contractors and subcontractors, and by contractors and subcontractors participating in programs or activities in which direct or indirect financial assistance is provided by the Federal Government.

Unemployment falls with special cruelty on minority groups, and creates an atmosphere of resentment and unrest; the results are delinquency, vandalism, disease, slums, and the high cost of providing public welfare and of combating crime. I support the President's requests for more vocational education and training for our illiterate and unskilled. It is programs such as the manpower development and training program which assist in reducing unemployment.

Racial prejudice and discrimination are fundamentally wrong. Our Judeo-Christian heritage—our sense of how man should treat his brother—our basic commitments as a nation and a people, should make us want to eliminate a practice not compatible with the great ideals to which our democratic society is dedicated.

Mr. Chairman, thank you for letting me appear before your committee. I urge prompt and favorable action by the Judiciary Committee, and pledge my support when the civil rights bill comes to the floor of the House of Representatives.

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### Civil Rights Speech of Congressman James C. Healey, February 5, 1964

Mr. Speaker, I rise in support of the Civil Rights Act of 1964.

I need not discuss in detail the nine substantive sections which will help assure to all our citizens the equal enjoyment of their rights under the Constitution of the United States. These rights include the right to vote, to hold a job, to have equal access to places of public accommodation, public schools, and other governmental facilities. Surely, no one can begrudge such rights to his fellow citizens on account of their color of skin or religious persuasion. Indeed, the protections the bill affords are so necessary and so reasonable that opponents are having a difficult time attacking the bill on its merits. Instead, they have leveled false and extravagant charges against it, and they give a distorted picture of what the bill actually does. This, of course, is done to arouse such prejudice against it that others may be blinded to its true meaning.

Opponents of the bill say that it sets up racial quotas for job or school attendance. The bill does not do that. It simply requires that children be admitted to public schools without discrimination because of race, and that industries involved in interstate commerce not deny a qualified person the right to work because of his race or religion. And not even all industries are covered—initially only those with 100 or more employees, eventually those with 25 or more.

Under its power to regulate commerce Congress has the authority—and, I submit, the duty—to enact such legislation. The same constitutional basis underlies our right to require nondiscrimination in certain business establishments which are connected with interstate commerce and which hold themselves open to the public at large. Most such places are already under some type of Federal regulation—the Pure Food and Drug Act, for example, the minimum wage law, antitrust laws. The bill has no effect on a private homeowner who wants to rent a room to a "paying guest." In fact, it does not apply to owner-occupied establishments which offer five units or fewer for rent. The bill does not circumscribe private social contacts in any way.

* * * * *

It is clear that State-supported segregation is unconstitutional. This is the mandate of the school segregation cases and the numerous cases involving parks and other governmental facilities. It is high time, therefore, to enable our Negro citizens to enjoy the rights to desegregated educational and recreational facilities without further delay. For that reason titles III and IV authorize the Attorney General to sue for desegregation of these facilities, under certain specific conditions. It is no novelty to allow the Attorney General discretion as to the bringing of an action. The Attorney General has the same authority in antitrust cases and criminal cases, to name but two examples. This is not "unbridled Federal control," as critics are quick to assert.

Nor is it "unbridled Federal control" to require that public funds from the Federal Treasury—funds contributed by all our citizens—be used for the advantage of both races without favoritism.

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Mr. Chairman, in sum, the provisions of H.R. 7152 are firmly grounded in the Constitution of the United States. They provide for fair and equitable procedures in the courts and before administrative boards. They do not usurp or diminish the rights and duties of State and local governments or of private individuals. They would simply assure that all citizens will have the full enjoyment of the rights now unfortunately denied to many on account of race, color, religion, or national origin.

## The 175th Anniversary Dinner of the U.S. Customs Service, February 22, 1964

EXTENSION OF REMARKS
OF

### HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 1964*

Mr. DONOHUE. Mr. Speaker, one of the Federal agencies of which we can all be proud is the U.S. Customs Service which is celebrating its 175th anniversary this year. The Congress called upon the American people to mark this anniversary with appropriate ceremonies and activities and President Lyndon B. Johnson issued a proclamation designating 1964 as "U.S. Customs Year."

In keeping with this legislation, the Bureau of Customs held an anniversary dinner-dance on Saturday, February 22, 1964, at a Washington hotel where close to 1,000 people assembled to launch the anniversary program for this year. Among those in attendance were a number of distinguished citizens, Members of Congress, jurists, organizations such as the National Customs Brokers & Forwarders Association of America, Inc., the Air Transport Association of America, the National Customs Service Association, and many others.

It should be noted that the entire cost of this affair was paid for from the proceeds of the sale of tickets to customs employees in Washington, Baltimore, Philadelphia, New York, Detroit, and other cities; and to custom brokers and attorneys from out of town. Customs personnel from out of town paid their own way and hotel expenses so that this entire affair was conducted at no expense to Government.

Indeed, the U.S. Treasury has benefited from the customs anniversary.

On the initiative of the Bureau of Customs, the Post Office Department has issued a commemorative postal card with a U.S. customs design for the 4-cent stamp. Assistant Postmaster General Ralph W. Nicholson stated at the banquet that 40 million of these have been printed and have been placed on sale at post offices throughout the country. The demand on the part of the collectors for first-day covers is so brisk that Mr. Nicholson indicated that the print order was increased before the stamp was placed on sale. It is anticipated that the Post Office will realize $1,400,000—less expenses—from the sale of the customs commemorative postal card.

This is typical of our customs service. They always do things with an eye to how the United States can benefit. Secretary of the Treasury Douglas Dillon, who delivered the principal address at the anniversary banquet, summed up the feelings of most of us when he said:

Your determination to continue seeking ways to improve your service to the traveling public, and to the international business community, is to be commended. After 175 years, you're not resting on your oars. Your efforts have been instrumental in furthering the administration's policy of encouraging foreign travel to the United States by speeding up customs procedures, by encouraging facelifting of our various ports and, above all, by greeting visitors to our shores with courteous, efficient personnel—our dockside dispensers of good will.

It is a source of real satisfaction to those of us in the Treasury Department to salute Customs employees on their 175th birthday. To Assistant Secretary Reed, to Commissioner Nichols, and to all of you, I say for all of us in the Department—congratulations on a job well done.

One of the keynote speakers at the anniversary banquet was Walter J. Mercer, president of the National Customs Brokers & Forwarders Association of America, Inc., a man who is widely respected in the trade in which he has been a leading figure for more than 40 years. Mr. Mercer took as his theme the fact that the customs service has fewer personnel today than it had in the time of Calvin Coolidge, despite the fact that there has been a fourfold increase in the volume of customs work performed by the Bureau. Mr. Mercer stated that in his opinion the U.S. customs service needed strengthening in order to improve our safeguards against narcotic smuggling along our borders and in our Great Lakes ports along the St. Lawrence Seaway. On behalf of the association he represents, Mr. Mercer urged that there be a general increase in customs personnel to expedite the greatly increased volume of international trade between the United States and the rest of the world, all of which comes within the purview of customs.

I think that the American people owe a debt of gratitude to the U.S. customs service and especially to U.S. Commissioner of Customs Philip Nichols, Jr., who has taken the leadership in streamlining and simplifying the customs service since his appointment to this post in 1961. They are doing a yeoman job and everyone of us is better off as a result of this job. However, they must be given the tools if they are to do their jobs with the efficiency, skill, and devotion which have characterized their performance up until now.

Mr. Speaker, at this point I would like to include excerpts from speeches made at the banquet by Commissioner of Customs Philip Nichols, Jr., Mr. John J. Murphy, national president of the organization, together with the greetings sent by President Lyndon B. Johnson and the Honorable JOHN W. MCCORMACK, Speaker of the U.S. House of Representatives. They follow:

SPEECH BY COMMISSIONER NICHOLS

Mr. Chairman, Mr. Secretary, Chief Judge Oliver, ladies and gentlemen, I bid you a warm welcome to the 175th anniversary celebration of the U.S. customs service which we celebrate this evening along with the birthday of George Washington. He by signing a bill into law brought our service into being a century and three-quarters ago.

We are grateful for the presence here this evening of so many distinguished friends. They have come to honor not us but the men and women who, for over 175 years have contributed to the customs service their integrity, their energy, and capability—in fact, their lives, and all that they were.

From every part of the country, and from many foreign ports, there have come messages from those who could not be here in person.

Let me refer to one of many. The other day, an ordinary birthday card was received from an anonymous sender in San Diego, Calif. On it was scrawled simply: "Happy 175th birthday." You may be surprised, Mr. Secretary, to learn from this that our incoming mail does not consist entirely of abusive letters.

The other day I pinned on Alan Pottinger a 50-year service pin, the first such I had ever presented—or even seen. Forty-five-year pins are common, however, in Customs, and a 40-year man is a mere neophyte. It is not surprising that a lady, one of our presidentially appointed collectors, told me she often felt like a petunia in a bed of perennials. At times I feel the same way. However, Customs is like a garden in which each of us can contribute his or her own peculiar fragrance. One talent or two or five are all equally welcome. The tasks of Customs are almost infinitely varied. Because they are so diverse they are never dull. Mr. Pottinger in all those 50 years never has been sure the coming day would not provide something fresh and different from anything he had ever seen before. People stay so long in Customs because they know they are needed, and they are never bored.

We who are here remember the dead but tonight we can enjoy the company of the living. That is what our predecessors of 175 years would have wanted us to do. It is

what they did themselves. Besides being deserving public servants, they were good company, too. As the evening goes along, let's hoist an extra one for them. Thank you.

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REMARKS OF JOHN J. MURPHY, NATIONAL PRESIDENT, NATIONAL CUSTOMS SERVICE ASSOCIATION

I am honored indeed to represent employees of the customs service. This is the first time, as far as I am aware, that a representative of the employees has been able to join with top management at such an affair.

The idea of organizing customs employees into one homogeneous group was conceived during World War I at this time. A small but determined group of Chicago customs employees had conceived the plan of forming their own organization; dedicated to the welfare of all employees of all occupations and pay levels, and directed and guided by the employees themselves.

The response by other employees was extraordinary: branches sprang up all over the country and interest was so strong that the first NCSA convention was held in the city of Chicago in August 1925.

Thus was born the National Customs Service Association, an organization resolute in its purpose to unite the scattered thousands of customs employees into a single organization. An organization led by customs employees and thoroughly familiar with the needs and aspirations of customs personnel. An organization determined to further in every legitimate way their interests and welfare.

When President Kennedy issued Executive Order 10988, the order setting up official relations between employee organizations and management, NCSA petitioned for recognition and was accorded countrywide formal recognition as representative of employees in the Bureau of Customs by both the Bureau and the Treasury Department. NCSA is the only organization to receive this recognition.

The employee-management cooperation program will not work without the affirmative willingness to cooperate that President Kennedy urged when he issued the order. Lipservice and going through the motions are a sure way to kill the respect and confidence that must be present. We have never had such incidents in our relations and we are confident that we never shall. It is our view that by working together we can make the Customs Service a model for other agencies.

NCSA is a responsible, reasonable organization. As a matter of policy we refer to top management only those problems that cannot be solved at the local level. We prefer to work cooperatively at all levels but are prepared to fight vigorously for what we believe is right and proper. We have never shirked our responsibility to defend our point of view.

It is a far cry from the bad old days of 1925 to find at this 175th anniversary dinner a representative of an employee organization on the dais standing beside the distinguished Secretary of the Treasury. This is certainly as it should be and is in keeping with the spirit of President Kennedy's Executive order that employee organizations and management should be equal partners in carrying out the public business. President Johnson likewise has endorsed this principle and as the days pass many of our dreams of meaningful cooperation will become a reality.

On behalf of the National Customs Service Association, I express my appreciation for the opportunity to address such a distinguished audience. I pledge myself to do all within my power to protect and perpetuate the fine reputation and good name of the Customs Service in which so many of us have invested a lifetime of labor. Thank you.

TEMPORARY WHITE HOUSE,
*Palm Springs, Calif.*

HON. PHILIP NICHOLS, Jr.,
*Commissioner of Customs,*
*Washington, D.C.:*

Please convey my congratulations to the men and women of the U.S. customs service on this memorable occasion which marks one and three-quarters centuries of service to the American people. The Nation joins me in saluting the Bureau of Customs for its efficiency, for its devotion, for its economy of operation, and for its cooperation with other Government agencies in carrying out the laws of the land. The Bureau has played a historic role in the growth of modern administration and the development of our revenue system.

With best wishes.

LYNDON B. JOHNSON.

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WASHINGTON, D.C.

HON. PHILIP NICHOLS, Jr.,
*Commissioner of Customs,*
*Washington, D.C.:*

I deeply regret my inability to be present tonight to attend the dinner in honor of the U.S. Customs Service. Throughout the years I have had the highest personal regard for the men and women in the customs service. Their integrity, ability, devotion to duty, and record of achievement down through the years is unsurpassed and has brought honor and glory to the profession of the Government worker. The work of customs is complex and difficult to administer, but the customs people have carried out their tasks with superb skill and unfailing integrity. It is a pleasure for me to salute the customs service. It has the confidence of the people. It will continue to have the confidence of the people whom it has served so well.

JOHN W. MCCORMACK,
*Speaker, U.S. House of Representatives.*

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## New Dynamism for the Alliance

EXTENSION OF REMARKS
OF

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 1964*

Mr. BROOMFIELD. Mr. Speaker, on Monday, March 16, at the Pan American Union, the Council of the Organization of American States installed the new Inter-American Committee of the Alliance for Progress.

The Committee, called CIAP from its initials in Spanish, has the difficult task of appraising the development performance of the 19 Latin American countries and of recommending the allocation of external financial resources among them.

With the installation of the eight members of CIAP, who are now at work, the Alliance gains new impulse, new strength, new talents, new dynamism.

As President Johnson said at the CIAP installation ceremonies, the special significance of CIAP is that from now on the Alliance will be guided by the advice and wisdom of men from the entire hemisphere. No longer does the United States have to bear the burden of making major decisions alone. That does not mean that the United States will take a back seat—it means that the Latin American nations and the United States all have front seats.

Members of Congress should be pleased to know that all the members of CIAP are distinguished men with solid experience in economic development in diverse fields in various parts of the hemisphere.

The chairman, Carlos Sanz de Santamaria, of Colombia, is an economist, engineer, and diplomat known in his own country as an indomitable fighter for basic reforms.

Reforms are not always popular, no matter how badly needed, even for those who are supposed to benefit from them. But as finance minister, Dr. Sanz was able to rally the political forces of his country to face harsh facts and take difficult decisions. As a result his country's fiscal position has improved. The external balance of payments is healthier. Heavier taxes are providing additional government income for vitally essential programs.

Significantly, Dr. Sanz is a member of one of Colombia's wealthiest families. He has been a very successful engineer in private life. But he has never hesitated to serve his country. He has been called to high office by every freely elected government of the past 30 years. He has served under presidents of both the Conservative and Liberal Parties. He has traveled extensively in Latin America. And he knows the United States from having served as Colombian Ambassador to Washington on two tours of duty. He speaks fluent English as well as Spanish, Portuguese, and French. It would be difficult to find a Chairman of greater experience and more diverse talents.

Our own Government has a permanent seat in the Committee. Our present representative is Ambassador Teodoro Moscoso, an internationally known expert on economic and social development.

For 20 years, he was the man behind Puerto Rico's famed Operation Bootstrap, the development program that brought Puerto Rico from the depths of poverty to relative prosperity. More recently, as U.S. Coordinator of the Alliance for Progress, he was the U.S. official chiefly responsible for putting the alliance in motion and laying the foundations for future development.

By pragmatic, imaginative policies, he attracted hundreds of millions of dollars worth of industrial investment to Puerto Rico. Other countries could well emulate his policy of using Government funds as a catalyst to make private investment effective and successful.

The five Central American States also have a permanent seat in SCAP. The Central American representative is Jorge Sol Castellanos, a highly respected authority on international economic problems. Born in El Salvador and educated at Harvard University, he has held numerous high posts in the Government of his country and other Central American Republics.

He has served as Minister of Economy of El Salvador and dean of the School of Economics at the University of El Salvador. He has been Executive Director of the International Monetary Fund, Executive Secretary of the Inter-American Economic and Social Council, and

Assistant Secretary for Economic and Social Affairs of the Organization of American States. He is now adviser to the permanent office of the Treaty of Central American Economic Integration and consultant to the Central American Bank for Economic Integration.

Named to the Committee by Peru and Argentina is Emilio Castañon Pasquel. He has held posts in the Ministries of Justice, Social Welfare, and Treasury, and headed the Superintendency of Foreign Trade. He was chief Peruvian delegate to the Inter-American Economic and Social Council in 1962 and 1963, and is now a director of the Central Reserve Bank of Peru.

Named to the Committee by Chile, Colombia, and Venezuela is Luis Escobar Cerda at 37 years of age, the youngest member of CIAP. A native of Santiago, Chile, and a Harvard graduate, he is a well-known professor of economic theory at the University of Chile and a prolific writer on economic subjects in scholarly and popular journals.

Dr. Escobar has been dean of the School of Economics of the University of Chile since 1955 and served as Minister of Economy, Development, and Reconstruction from August 1961 to September 1963. Now the Chilean representative to the International Monetary Fund, he is also a member of the executive board of the Latin American Institute for Economic and Social Planning.

Serving for Uruguay, Paraguay, and Bolivia is Gervasio de Posadas, a Uruguayan industrialist, lawyer, educator, and author of books on law, economics, and finance.

He was associate professor of commercial law at the University of Uruguay from 1929 to 1933 and associate professor of political economy until 1952. Since then, he has held the chair of economics. He is the author of books and articles on law, economics, and finance.

De Posadas served as Uruguayan Minister of Industry and Labor from 1939 to 1941 and as Senator from 1941 to 1942. He was president of the National Chamber of Commerce from 1958 to 1962.

Named by Mexico, Panama, and the Dominican Republic is Rodrigo Gómez, an internationally known figure in banking who has been director general of the Bank of Mexico since 1952. He has served two terms as Executive Director of the International Monetary Fund, 1946–48, and 1958–60. He has also been a Senator, representing his native State of Nuevo León.

Named by Brazil, Haiti, and Ecuador is Celso Furtado, 43, the noted Brazilian economist who achieved an international reputation as chief architect of the ambitious plan to develop Brazil's poverty-stricken Northeast.

As head of Sudene—Superintendency for the Development of the Northeast—established in December 1959, Furtado directed a program calling for investments totaling $900 million from national and international sources for the rehabilitation and development of industry and agriculture in Brazil's most desperate region. In 1962, President Goulart asked him to serve as minister without portfolio to draw up a national development program for 1963–65. He returned to full-time duty with Sudene early in 1963 after proposing a $1.5 billion program.

Furtado holds the degree of doctor of economics from the University of Paris. He served for many years on the staff of the United Nations Economic Commission for Latin America and with the Economic Development Center, a joint project of ECLA and the Brazilian National Bank for Economic Development. He has also been a director of the bank.

I would hope that Members of Congress will have the opportunity to meet informally from time to time with the members of CIAP for an exchange of views. Their great diversity of experience should be of great value to the Members of the House and Senate who are concerned with making U.S. participation in the Alliance as effective as possible.

Let us wish them all success in their difficult and important tasks.

## A Tribute to the Veterans of Foreign Wars

EXTENSION OF REMARKS
OF
### HON. JAMES A. BURKE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
*Thursday, March 26, 1964*

Mr. BURKE. Mr. Speaker, the annual Veterans of Foreign Wars Washington Conference was held on Tuesday, March 10, 1964. The affair was the biggest and most successful since its inauguration 16 years ago. Highlight of this conference was the banquet honoring Members of Congress who served in the Armed Forces. More than 400 Members of Congress attended as guests of department commanders to honor their colleague Senator CARL HAYDEN, of Arizona, senior Member of Congress and dean of the Senate. Senator HAYDEN received the first Annual Congressional Award given by the VFW Commander in Chief Joseph J. Lombardo, of Brooklyn, N.Y., host at the dinner.

The Department of Massachusetts Veterans of Foreign Wars comprises 239 posts in 18 districts covering 9 counties and has a total standing of approximately 43,000 members. The Massachusetts delegation was well represented and led by State Commander Joseph E. Anderson of Scituate, State Adjutant Allen E. VonDette, and Department Quartermaster William L. McCarthy.

The following past department commanders were in attendance at the conference and banquet: John A. Tyman, of Brookline; William R. Turnbull, of Jamaica Plain; Edward W. Hartung, of Springfield; Joseph A. Scerra, of Gardner; Emelio F. Marino, of Brighton; James J. Delaney, of Beacon Hill; Paul A. Maliska, of Brockton; Bernard Croteau, of Pittsfield; Thomas Macdonald, of Quincy; Wilfred Guilbault, of Quincy; John Brior, of Quincy; William Macdonald, of Walpole; John F. Dargan, Jr., of Dorchester.

The following projects and programs are to be conducted and sponsored by the Department of Massachusetts VFW for the year 1963–64:

Construction of hospitals programs, blood donor program, crippled children's programs, veterans homes for Christmas program, voice of democracy program in which over 10,000 Massachusetts students participated;

Miss Teenager pageant, the lite-a-bike safety program for the youth of the Commonwealth, the community service program in which all of the communities and towns participated, cosponsors of the cystic fibrosis program, veterans legislation on State and Federal levels, widows and orphans national homes program, Governor of the Commonwealth safety program, handicapped persons program sponsored by Mayor John Collins of Boston, service officers program to aid and assist veterans and widows.

I am proud to be a member of this fine organization and at this time, I would like to pay tribute to the name, the record, and the glory of the Veterans of Foreign Wars, a patriotic body conceived in and dedicated to the spirit of universal freedom and the power of American ideals.

A TRIBUTE TO THE VETERANS OF FOREIGN WARS

There is much that is unusual about our country, not only in terms of wealth and promise, but in terms of a broad, historical perspective. That is to say, in creating this Nation of nations, our forefathers managed to do so in a manner out of keeping with most historical tradition. One of the most remarkable aspects of our national career, in this regard, is the way in which there has been a blending of the civil and the military viewpoint, to the extent that we as a nation can benefit from one without rejecting the other. This blending is not the only requirement for a successful democratic republic; it is, however, one of the requirements, and a vital one.

Since first the struggle for democracy began, centuries ago, many hopeful republican governments have risen to view, only to fail of their purpose and fade into the realm of the forgotten dream. Political causes for these disasters are numerous. And yet, of all causes, two stand out as paramount. These would be, one: That a newly formed republic frequently attempts to protect itself with a strong army, and in time it is taken over by that army, lock, stock, and barrel. Two: That a newly formed republic, seeking to avoid military dictatorship, frequently spurns the need for military might and soon falls prey to an aggressive neighbor state, which in turn divests the republic of its sovereignty.

Indeed we, ourselves, have not been immune to the threat of these very developments in our history. You will recall, following the American Revolution, the way in which certain American Army officers developed a plan for military dictatorship, in which General Washington was to be named as dictator. Under these circumstances, Washington's heroic and historic refusal to go along with the plan was all that saved us from disgrace in the eyes of history. On the other hand, you also will recall the efforts of

Thomas Jefferson to go the other way, to such an extent that he practically reduced our Navy to the point of nonexistence. Wars were bad, he reasoned—and navies can start wars. So he cut our Navy down to insignificant size, and built a little gunboat fleet, designed exclusively for defense and not for attack. But when the War of 1812 began, the anti-Navy policy backfired. For most of the glory we won in that war was gained on the high seas, by what few full-size ships we had left in our Navy; while the gunboats, which had no offensive power, turned out to have no defensive power, either, and Admiral Barney had to scuttle the whole lot of them, virtually in one fell swoop.

So it went, throughout the 19th century: One group of Americans fearful of a strong military component, another group fearful of one too weak for national defense; one group holding sway for a time, demanding the creation of a large standing army and/or a big navy; another group, seizing power, periodically, demanding the reduction of military and naval might, in the name of civil authority, unfettered by military influence.

And then, at last, a balance was struck; a balance between the justified fears and possible excesses of both extremes.

The balance in question appeared at the turn of the century—at the close of the Spanish-American War—when for the first time, American veterans began to unite with an eye to something more than their own personal benefit.

What the veterans wanted, and what they began to demand, was not merely financial remuneration; not merely reward for service. Indeed, what they demanded were many things, not in the name of personal gain, rather in the name of the national good. Their campaign in this regard began October 11, 1899, when a charter was granted by the State of Ohio to an organization by the name of the American Veterans of Foreign Service. After a brief period of activity, the founding chapter in Ohio became dormant, but was later revived. Meanwhile, another veterans' organization had begun to flourish in Denver, Colo., under the name of the Colorado Society of the Army of the Philippines; and still another, in Altoona, Pa., under the name of the Veterans of Foreign Service. The three organizations merged forces in 1913, to become the Veterans of Foreign Wars, and in so doing set the stage for a new development in American political life. Henceforward, there was to be a large body of civilians, with knowledge of military affairs, organized and ready to act in all matters involving the political security of the country. Here, at last, was a force that could serve both sides—civilian and military—with the object of pulling the Nation together, both in times of peace and times of war; a group with full knowledge of civilian needs and purposes, yet fully cognizant of military and naval requirements as well.

Moreover, there was to be about this new veterans' group a special kind of aura, emanating from the eligibility qualifications of the organization itself—a unique qualification requiring actual service in a foreign war, insurrection, or expedition—that is, none but fighting men could join.

The official objects of the VFW, as prescribed by Congress and the VFW constitution, are "fraternal, patriotic, historical, and educational; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead; and to assist their widows and orphans; to maintain true allegiance to the Government of the United States of America and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institutions of American freedom and to preserve and defend the United States from all her enemies, whomsoever."

All these objects, set forth, a half century ago, have been fulfilled, beyond question, by a diligent, intelligent, and forward-looking leadership, concerned not only with self but with the full, unqualified success of the American way of life. Nor has the VFW seen fit to limit its activities to any marked degree. On the contrary, VFW projects roam far afield, into many diverse areas of human endeavor.

Veterans' legislation, of course, receives considerable attention from the masterminds of VFW policy, as does also the distribution of veterans' benefits. Moreover, at Eaton Rapids, Mich., the VFW maintains one of the country's most unusual child welfare projects—the VFW National Home for Orphans of War Veterans.

Another admirable national activity of the VFW is the annual buddy poppy sale, established in 1922—the proceeds of which go directly to the organization's welfare program in behalf of disabled veterans and the VFW National Home.

And yet, for all that—for all the beneficial services of an organization concerned for the welfare of the veteran—the fact remains that the outstanding feature of the VFW is its position midway between the world of the civilian and the world of the professional soldier, a position invaluable to the American cause.

For since the foundation of the VFW, the American military and naval forces have plunged into battle time and again, in two World Wars, the Korean controversy and many lesser conflicts, including the Boxer Rebellion, Philippine Insurrection, Cuban pacification, the Haitian campaign of 1919–20, the Yangtze River campaigns of 1926–27 and the Nicaraguan campaign of 1933.

In all instances, the VFW has supported the demand for military might, in the knowledge that the time for action was at hand and lack of action could only serve to stimulate our adversaries. On the other hand, the VFW has also worked, constantly and with equal fervor, to maintain the supremacy of civilian power in American political life.

In both regards—from the military and civil standpoint—the VFW has achieved so notable a record that it stands today the center of national admiration, unqualified and wholly justifiable.

May it live on, the better to achieve its purposes in the days and years ahead, for the benefit of all.

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# SENATE

## MONDAY, MARCH 30, 1964

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

The Rev. Edward L. Elson, D.D., minister, National Presbyterian Church, Washington, D.C., offered the following prayer:

Eternal God, who hath brought life and immortality to light through the gospel, let the radiance of Thy presence so fill our hearts and minds that we may know who we are and whom we serve. Quicken us by the new life of the Eastertide, that all the consultations of this body may be lifted into the higher order of Thy kingdom. Restore our faith in the omnipotence of good. Keep us resolute and steadfast in the things that cannot be shaken. Renew the love that never fails. Bestow upon us the healing of Thy peace. Make and keep this Nation the servant of truth and justice. And lift our eyes to behold, beyond the things that are seen and temporal, the things which are unseen and eternal.

In the Redeemer's name. Amen.

### THE JOURNAL

On request by Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 26, 1964, was dispensed with.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 26, 1964:

S. 614. An act to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project;

S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District;

S. 2040. An act to amend title 35 of the United States Code to permit a written declaration to be accepted in lieu of an oath, and for other purposes; and

S. 2448. An act to amend the Atomic Energy Act of 1954.

On March 27, 1964:

S. 1445. An act for the relief of Archie L. Dickson, Jr.